

1 BILL NO. G-94-07-21 (AS AMENDED) (AS AMENDED)
2 (AS AMENDED) (AS AMENDED) (AS AMENDED)
3 (AS AMENDED) GENERAL ORDINANCE NO. 07-04-95

4
5 AN ORDINANCE AMENDING CHAPTER 53:
6 "STORMWATER SERVICE," OF THE CITY OF
7 FORT WAYNE CODE OF ORDINANCES.

8
9
10 WHEREAS, the Common Council of the City of Fort
11 Wayne passed Ordinances G-17-91 and Amended Ordinance G-
12 25-91 establishing an interim stormwater service charge
13 for users of the Fort Wayne Stormwater Utility in 1991;
14 and

15 WHEREAS, that schedule of interim Stormwater
16 Service Charges, which is still in effect, was based on
17 broad land-use classification of users, approximating the
18 average impervious stormwater runoff contributed by each
19 classification; and

20 WHEREAS, at the time of passage of Ordinance G-
21 17-91 and Amended Ordinance G-25-91, the Common Council
22 requested City Utilities staff to undertake a cost of
23 service and rate study in order to more accurately assess
24 stormwater service charges to individual users in a more
25 equitable manner than currently adopted in the interim
26 rate; and

27 WHEREAS, Woolpert Consultants along with David
28 M. Griffith and Associates, Inc. and Strand and
29 Associates, Inc. (Stormwater Consultants) were hired to
30 assist City Utilities in performing the necessary cost
31 of service and rate study analysis in order to implement
32 a more equitable stormwater billing system; and

33 WHEREAS, Common Council representatives, Board
34 of Public Works members, City Utilities and Civil City
35 staff, along with the Stormwater Consultants were
36 gathered to form a Stormwater Management Task Force to
37 consider all issues involved in arriving at an acceptable
38 stormwater management rate structure, which task force
39 met on a regular basis from July, 1992 through July,
40 1993; and

1 WHEREAS, the work of the task force and
2 consultants was presented to the Common Council in
3 September, 1993; and

4 WHEREAS, the work of the Stormwater Consultants
5 and the Stormwater Management Task Force was completed in
6 July of 1994; and

7 WHEREAS, the work of the Stormwater Management
8 Task Force, in conjunction with that of the Stormwater
9 Consultants, culminated in a recommended stormwater rate
10 structure which is fair, equitable, revenue sufficient,
11 and which reflects the relative contribution of
12 stormwater runoff from a property, the benefits enjoyed,
13 and services received by each property as a result of the
14 collection of surface water, and which considers the
15 impervious area of the various properties within the
16 city, because the extent of storm and surface water
17 runoff from a particular parcel of property is largely a
18 function of its impervious area.

19 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
20 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

21 SECTION 1. Chapter 53 of the Code of
22 ordinances of the City of Fort Wayne entitled "Stormwater
23 Management Department" be amended as follows:

24 SECTION 53. STORMWATER MANAGEMENT DEPARTMENT

25 SECTION 53.01 BOARD OF STORMWATER MANAGEMENT TO OPERATE
26 STORMWATER SYSTEM.

27 (A) Adoption of State Law.

28 The provisions of Indiana Code Chapter 8-1.5-5 are
29 hereby adopted in their entirety, and the following
30 entities established:

31 (1) A Department of Stormwater Management within
32 the Division of City Utilities.

33 (2) A Board of Directors of the Department of
34 Stormwater Management which shall consist of
35 three (3) directors appointed by the Mayor,
36 not more than two (2) of whom may be of the
37 same political party. Directors shall serve
38 terms of four (4) years; however, the initial
39 terms shall be staggered. The Mayor may
40 remove a director at any time when, in the

judgment of the Mayor, it is for the best interest of the Department.

(3) A Stormwater Management District, extending to the corporate boundaries of the City of Fort Wayne is hereby established for the purpose of providing for the collection and disposal of stormwater of the City in a manner which protects the public health and welfare, and for the purpose of assessing fees to pay for the cost of stormwater facilities and services. As the corporate boundaries of the City change, whether through annexation or otherwise, so shall the boundaries of the Stormwater District change.

(B) Powers of the Board.

The Board of Directors of the Department of Stormwater Management shall have exclusive jurisdiction over the collection and disposal of stormwater within the District, and shall possess all the powers and duties set forth in I.C. 8-1.5-3-4 and 8-1.5-5-6 including but not limited to the power to:

1. Establish and enforce Rules and Regulations governing the Department of Stormwater Management after approved in ordinance form by the Common Council.
2. Hold hearings following public notice.
3. Make findings and determinations.
4. Install, maintain and operate a stormwater collection and disposal system.
5. Make all necessary or desirable improvements of the grounds and premises under its control.
6. Recommend to the Common Council reasonable and just rates and charges for services to the customers of the District.

SECTION 53.02 PURPOSE AND OBJECTIVE.

The function of the Department of Stormwater Management is to provide for the safe and efficient capture and conveyance of stormwater runoff; mitigate the damaging effects of stormwater runoff; correct stormwater collection and conveyance problems; and fund the activities of stormwater management including design, planning, regulation, education, coordination, construction, operation, maintenance, inspection and enforcement activities, all for the protection of the public health, welfare and safety. It is the further function of the Department of Stormwater Management to insure the City of Fort Wayne's compliance with its NPDES Stormwater Discharge Permit(s).

It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with Federal, State, and local laws and regulations that a system of charges for stormwater service in the City of Fort Wayne be established which allocates the cost of providing stormwater service to each user in such a manner that the charges assessed are proportionate to the cost of providing stormwater service to that user, insofar as those costs can reasonably be determined.

1 SECTION 53.03 DEFINITIONS.

2 Whenever used in this Chapter 53, the meaning of the
3 following words and terms shall be defined in this
4 section:

5	ABATEMENT	Any action taken to remedy, correct, 6 or eliminate a condition within, 7 associated with, or impacting a 8 stormwater drainage system.
5	AGRICULTURAL 6 PROPERTY	A parcel or lot exceeding five (5) 7 acres of land encompassing two (2) 8 or more structures used to support 9 agricultural activities.
10	APARTMENT/ 11 CONDOMINIUM 12 PROPERTY	A lot or parcel of real estate on 13 which is situated a building 14 containing 5 or greater single- 15 family dwelling units, or on which 2 16 or more buildings each containing 17 multiple single-family dwelling 18 units are situated.
12	APPROVED PLANS	Plans approved by the Department of 13 Stormwater Management according to a 14 permits and plan review which will 15 govern all improvements made within 16 the City that require stormwater 17 facilities or changes or alterations 18 to existing stormwater facilities.
16	BOARD	Board of Directors of the Department 17 of Stormwater Management established 18 under Section 53.01 of the City of 19 Fort Wayne Code of Ordinances.
19	CODE	Fort Wayne Code of Ordinances.
20	COMBINED SEWER	Pipe or conduit primarily designed 21 to convey sanitary sewage and 22 secondarily intended to convey 23 stormwater.
22	DETENTION	The temporary storage of stormwater 23 runoff in a basin, pond or other 24 structure to control the peak 25 discharge rates by holding the 26 stormwater for a lengthened period 27 of time and which provides some 28 gravity settling of particulates.
26	DIRECTOR	The Director of the Division of City 27 Utilities, City of Fort Wayne, 28 Indiana.
28	* DSM	Fort Wayne Department of Stormwater 29 Management.
29	EQUIVALENT 30 RESIDENTIAL UNIT 31 (ERU)	A unit value, equal to the average 32 amount of impervious area of a single 33 family residential property within 34 the City of Fort Wayne, and 35 established at 2500 square feet of 36 [measured] impervious area. It is 37 also the basis for calculating the 38 proper assessment of stormwater 39 charges to all users of the Fort 40 Wayne Stormwater System.

	IMPERVIOUS AREA	Areas that has been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop and blacktop, such that the infiltration of water into the soil is prevented. Excluded from this definition are undisturbed land, lawns and fields.
1	INFILTRATION	Infiltration is a complex process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.
2	NON-RESIDENTIAL PROPERTY	All properties not encompassed by the definition of Residential shall be defined as Non-residential. Non-residential property will include:
3		* - Agricultural property;
4		* - Apartment and Condominium property
5		* - Mobile Home Parks;
6		* - Commercial property;
7		* - Industrial property;
8		* - Institutional property;
9		* - Governmental property;
10		* - Churches;
11		* - Schools;
12		* - Federal, State and Locals property; and
13		* - any other property not mentioned in this or the list of residential properties below.
14	NPDES	National Pollutant Discharge Elimination System. Regulations for stormwater discharges as described in The Federal Register, 40 CFR Parts 122, 123 and 124.
15	NPDES PERMIT	Permit issued to the City pursuant to Section 402 of the Clean Water Act.
16	PEAK DISCHARGE	The peak discharge, sometimes called peak flow, is the maximum rate of flow of water passing a given point during or after a rainfall event.
17	PRIVATE STORMWATER FACILITIES	Various stormwater and drainage works not under the control or ownership of the City, County, State and/or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.
18	PUBLIC STORMWATER FACILITIES	The various stormwater and drainage works under the control and/or ownership of the City, County, State or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets,

		retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.
1	RESIDENTIAL PROPERTY	For the purpose of this ordinance, Residential Property refers to a lot or parcel of real estate on which a building or mobile home is situated which building contains a group of rooms forming a single inhabitable dwelling unit with facilities which are used or are intended to be used primarily for living, sleeping, cooking and eating. This definition also includes a lot containing one individual building containing four (4) or fewer separate or contiguous single-family dwelling units. Each and every residential property shall be assigned one (1) ERU.
2	RETENTION	The holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration or emergency bypass.
3	SQUARE FOOTAGE OF IMPERVIOUS AREA	For the purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard to topographic features of the enclosed surface.
4	STORM SEWER	A sewer designed or intended to convey only stormwater, surface runoff, street wash waters, and drainage, and not intended for sanitary sewage and industrial wastes other than unpolluted cooling water. The portion of a sewer intended to carry stormwater only, which begins at the grating or opening where water enters said sewer, through the sewer and any other conduits to the outlet structure where water enters a channel, natural watercourse or combined sewer.
5	STORMWATER SERVICE CHARGE	A charge imposed on users of the City's stormwater collection, impounding and transportation system.
6	STORM WATER SERVICE CUSTOMER/USER	The owner of a lot or parcel of residential or non-residential property shall be considered the City Utilities Customer for the purpose of assessing stormwater service charges.

1 **STORMWATER SYSTEM** All constructed facilities,
2 including combined sewers,
3 structures and natural watercourses
4 under the ownership, and/or control
5 of the City used for collecting and
6 conducting stormwater to, through
7 and from drainage areas to the point
8 of final outlet, including, but not
9 limited to, any and all of the
10 following: inlets, conduits and
11 appurtenant features, creeks,
12 channels, catch basins, ditches,
13 streams, culverts, retention or
14 detention basins and pumping
15 stations; and excluding therefrom,
16 any part of the system of drains and
17 watercourses under the jurisdiction
18 of the Allen County Drainage Board.

10 **SECTION 53.04 STORMWATER SERVICE CHARGE.**

11 A stormwater service charge shall be imposed on each
12 and every lot and parcel of land within the City which
13 directly or indirectly contributes to the stormwater
14 system of the City, which charge shall be assessed
15 against the owner thereof, who shall be considered the
16 user for the purposes of this Ordinance. This charge is
17 deemed reasonable and is necessary to pay for the repair,
18 replacement, planning, improvement, operation, regulation
19 and maintenance of the existing and future City
20 stormwater system.

21 **SECTION 53.05 STORMWATER RATE ESTABLISHMENT PROCEDURES.**

22 A. The Stormwater Service Rate shall be \$1.80 per ERU
23 per month. For the purpose of this Ordinance, a month
24 shall be considered 25-35 days. Any billings for
25 stormwater service outside this time shall be on a per
26 diem basis.

27 B. This stormwater rate is designed to recover the cost
28 of rendering stormwater service to the users of the
29 Stormwater System, and shall be the basis for assessment
30 of the City's stormwater service charge. This rate is
31 established so as to maintain adequate fund reserves to
32 provide for reasonably expected variations in the cost of
 providing services, as well as variations in the demand
 for services.

27 C. This rate shall be evaluated annually as to its
28 sufficiency to satisfy the needs of the DSM.

1 **SECTION 53.06 RATE STRUCTURE AND CALCULATION**

2 A. For the purposes stated in Sections 53.02 and 53.05
3 there is hereby assessed a stormwater service charge to
4 each user situated within the corporate limits of the
5 City of Fort Wayne who contributes directly or indirectly
6 to the stormwater system of the City, in an amount as
7 determined below.

8 B. For any such property, lot, parcel of land, building
9 or premises which contributes directly or indirectly to
10 the stormwater system of the City, such charge shall be
11 based upon the quantity of impervious area situated
12 thereon.

13 C. All properties having impervious area within the
14 City of Fort Wayne will be assigned an Equivalent
15 Residential Unit (ERU), or a multiple thereof, with all
16 properties having impervious area assigned at least one
17 (1) ERU.

18 (1.) **Residential Properties:** A monthly flat-rate
19 charge for stormwater service rendered to
20 residential properties shall be charged to
21 each account within the City limits according
22 to the service address. All residential
23 properties are hereby assigned one (1) ERU.
24 This flat rate shall apply to all residential
25 properties as defined herein.

26 (2.) **Non-residential Properties:** Non-residential
27 properties will be assigned an ERU multiple
28 based upon the properties' individually
29 measured impervious area (in square feet)
30 divided by 2500 square feet (one ERU). This
31 division will be calculated to the first
32 decimal place.

33 (3.) Only whole ERUs shall be used. All rounding
34 necessary to reach the appropriate whole ERU
35 shall be done according to mathematical
36 convention (0-0.4 rounded down to nearest
37 whole ERU; 0.5-0.9 rounded up to nearest
38 whole ERU).

39 D. There shall be no exceptions or exemptions from the
40 assignment of gross stormwater ERU's.

41 **SECTION 53.07 BILLINGS AND TERMS OF PAYMENT.**

42 (A.) **BILLINGS.**

43 All stormwater service bills shall be rendered on a
44 monthly basis, along with the user's charges for other
45 City Utility services.

46 (B.) **TERMS OF PAYMENT.**

47 The stormwater service charges prescribed in Section
48 53.06 shall be due on the payment date set out on the
49 bill. It shall be a violation of this Chapter to fail to
50 pay a stormwater service bill when due. All bills for
51 stormwater services not paid on or before the due date,
52 which due date shall be approximately 15 days after the
53 bill is rendered, shall be subject to a collection or
54 deferred payment charge of 10% on outstanding balance.

(C.) PAYMENT PRIORITY.

Stormwater service charges shall take priority over all other charges for City Utility services. Partial payments shall first be applied to satisfy the garbage user fee under Chapter 50 of the Code and secondly, to these charges.

(D.) COLLECTION.

Delinquent stormwater service charges may be collected in a civil action along with other delinquent City Utility charges, reasonable attorney fees and court costs.

SECTION 53.08 APPEALS OF ERU DETERMINATION.

A. If, in the opinion of any user, the ERU multiple assigned to his property is inaccurate in light of the amount of imperious area of said property, the user shall have the right to contest the ERU determination and thus the rate assessed in the following manner.

B. User shall obtain and complete a Petition to Appeal Stormwater Rate form (Petition) which shall be returned to the DSM with verifiable documentation supporting user's claim.

C. The DSM shall investigate user's claim and, upon review thereof, shall render a written determination that either the original ERU determination and assessed rate should be affirmed or the user's rate should be adjusted according to the Petition.

D. If user's Petition is denied, said opinion shall be forwarded to user by certified mail, return receipt requested. User shall then have seven (7) days from date of receipt to request a reconsideration by the Director. Any additional facts concerning the dispute shall be reduced to writing and submitted, along with a copy of the original Petition and supporting documents, to the Director. The DSM shall submit a written report of the determination in the case, along with any documents used in denying the user's claim.

E. Thereafter, the Director, or his designee, shall review all documentation and conduct, as necessary in his opinion, an informal hearing to determine and resolve the dispute based on the documentation submitted and any oral testimony. A written opinion shall be rendered within thirty (30) days after the hearing or submission of documentation if no hearing is conducted. The written opinion of the Director or his designee shall constitute the final DSM determination, and may be challenged by the user by a written request to the Board for formal consideration within fifteen (15) days of the Director's opinion.

1 F. The Board shall conduct a hearing and issue a
2 determination which shall be binding on the City
3 Utilities. The hearing shall be electronically recorded
4 and a transcript of the hearing provided upon request at
5 a cost per page as determined by the City Utilities
6 Accounting Department and amended from time to time.

4 G. A party or person aggrieved by the final Board
5 determination shall have the right to judicial review of
such determination in accordance with Indiana law.

6 H. If the DSM recommends the user's rate be reduced, or
7 reduction is ordered by the Director, Board or court of
8 law, user shall be credited accordingly for any
9 overpayment made from the date of the Petition. However,
10 for all Petitions submitted by July 31, 1995, the reduced
11 rate shall be applied retroactively to the first (1st)
12 billing of service charges under this Ordinance. Said
13 credit shall apply both to metered usage and the
14 stormwater service charge, until any overpayment has been
15 fully adjusted.

11 I. Dispute or appeal of an ERU determination or
12 stormwater service rate shall not be a valid reason for
13 non-payment of the originally assessed stormwater service
14 charge by the user.

15 J. The right to appeal a rate classification under the
16 interim stormwater rate schedule pursuant to Amended
17 Ordinances G-25-91 and G-32-93 shall expire on June 30,
18 1995.

19 **SECTION 53.09 DISCOUNT AND CREDITS POLICIES AND**
20 **PROCEDURE.**

21 This section establishes a discount for land and
22 buildings used for various purposes when exempt from
23 property taxation under I.C. 6-1.1-10-1, 6-1.1-10-2, 6-
1.1-10-4, 6-1.1-10-5, and 6-1.1-10-16.

24 This section also discusses some of the most common
25 credit considerations and requirements but is not
26 intended to be the exclusive authority. The Board,
27 through the Rules and Regulations of the DSM shall more
28 fully and completely establish the Credit Policies and
29 Procedures for stormwater management.

30 **A. DISCOUNTS**

31 The following categories of property exempt from
32 property taxation shall be entitled to a 15%
discount off of the gross ERUs assigned for any
such land or building under Section 53.06, where
the statutory exemption has been granted and can be
confirmed through the records of the Allen County
Auditor's Office, upon proper application for said
discount:

1. I.C. 6-1.1-10-1. Property of the United States and its agencies and instrumentalities.
2. I.C. 6-1.1-10-2. Property owned by the State of Indiana, and any agency thereof or the Indiana Bureau of Motor Vehicles Commission.
3. I.C. 6-1.1-10-4. Property owned by a Political Subdivision of the State of Indiana.
4. I.C. 6-1.1-10-5. Property owned by the City of Fort Wayne which is used to provide a municipal service.
5. I.C. 6-1.1-10-16. Property owned, occupied, and used for educational, literary, scientific, religious or charitable purposes.

10 B. CREDIT AVAILABILITY

11. Credit will be available to all properties for various forms and levels of abatement.
12. MAINTENANCE REQUIREMENTS - Credit will only be allowed for properties where structural controls are maintained in fully functional condition and according to maintenance criteria and design standards issued by the DSM.
13. EXISTING STRUCTURE CREDITS - Credit will be allowed for previously constructed abatement features or stormwater controls. The amount of credit granted will be determined by the methods of design as outlined within the Rules and Regulations of the DSM.
14. PROPERTY LOCATION - Credit will be granted on the basis of location of a given property in relation to a major waterway of the United States, if it directly discharges its stormwater to that waterway in conformance with all maintenance criteria and design standards as applicable. The waterways covered by this section shall include the St.-Mary's River, the St. Joseph River, the Maumee River, the major tributaries of these three (3) rivers and other ditches and drains specified in the Rules and Regulations of the DSM, and any legal public drains under the control by Allen County
15. VOLUNTARY CONTROLS - For new developments, credit will be granted where the City requires abatement features or stormwater controls to be constructed and/or maintained, and all City standards and criteria are met. Other voluntary controls or upgrades of existing systems through retrofitting will be granted credits on a case-by-case basis considering the impact of the controls on the City's stormwater system, as determined by the DSM.

- 1 6. DETENTION/RETENTION - Credit will be granted
2 for qualifying detention basins and wet ponds.
3 Credit may be granted for other control
4 devices on a case-by-case basis providing
5 sufficient technical justification is
6 available to make such determinations.
- 7 7. OVERSIZING - Oversized private stormwater
8 facilities or improvements exceeding standard
9 abatement design criteria and intended to
10 serve an area larger than the immediate
11 project site or designed to handle a larger
12 than specified storm event as required by the
13 DSM shall be considered for additional credit.
- 14 8. INDUSTRIAL NPDES PERMIT CREDITS - No credit
15 shall be allowed for industries in compliance
16 with federal laws and regulations regarding
17 industrial stormwater discharge permits at
18 this time.
- 19 9. POLLUTION REDUCTION - No Credit will be
20 allowed for voluntary efforts to reduce the
21 amount of pollutants in a user's stormwater
22 runoff or for improvements to the quality of a
23 user's stormwater discharge at this time.
- 24 10. REGIONAL BASINS - Credit will not be granted
25 to properties draining into ponds or basins
26 maintained or owned by the City. Credit will
27 be considered for privately owned and
28 maintained regional controls and will be
29 apportioned among owners on a prearranged
30 basis.
- 31 11. PERCENT DISCOUNTED CREDITS FOR PRIVATE
32 STORMWATER FACILITIES - Discounts and Credits
33 shall be computed on an ERU basis. A maximum
34 credit of less than 100% of the gross ERUS
35 originally assigned can be granted for the
36 construction and maintenance of private
37 stormwater facilities considering the
38 potential of each to reduce peak and/or volume
39 stormwater flow and direct discharge
40 capabilities. Private stormwater facilities
41 eligible for credits listed above constitute
42 elements of the secondary drainage system.
43 The secondary system is designed to drain a
44 limited area with benefits limited to the
45 owners of the particular property or owners of
46 adjacent properties. As such, secondary
47 elements of the system are not eligible for
48 100% credit.
- 49 Further, there are administrative costs
50 involved with operation of the DSM which must
51 be shared by all users, including costs
52 incurred to meet quality-based permit
53 requirements which provide community-wide
54 benefits, and thus cannot be credited.
55 Discounts and credits shall be cumulative;
56 however, in no case shall the total amount of
57 discounts and credits equal 100% of the user's
58 gross stormwater service fee.
- 59 The formula for determining the applicable
60 credit percentage for individual parcels shall
61 be specifically set out in the Rules and
62 Regulations of the DSM.

1 12. FEDERAL, STATE, CITY AND COUNTY ROADWAYS,
2 PUBLICLY-OWNED AIRPORT MOVEMENT AREAS -
3 Publicly-owned streets and roads and highways
4 shall be given 100% credit in reliance on
5 governmental guidance documents which classify
6 them as an integral part of the stormwater
7 conveyance system. Publicly-owned airport
8 movement areas including runways, taxiways,
9 ramps and other areas of an airport which are
10 used for taxiing or hover taxiing, air
11 taxiing, takeoff, and landing of aircraft when
12 constructed and maintained similarly to public
13 roadways, shall also qualify for this credit.
14 The surface water control systems incorporated
15 in the design of roadways and airport movement
16 areas are engineered to convey all design
17 runoff without street flooding, etc.
18 associated with frequent, small runoff events
19 up to about 5 or 10 year recurrence intervals,
20 and as such, constitute elements of the
21 primary drainage system. Primary elements of
22 the drainage system yield community-wide
23 benefits and are installed to service the
24 general public's interests, conveying runoff
25 from large areas encompassing whole watersheds
26 in some cases.

13

14 C. PROCEDURE

- 15 1. TIMING OF APPLICATIONS/DETERMINATIONS -
16 Application for credits shall be made on forms
17 provided by City Utilities and accompanied by
18 the appropriate application fee. The fee
19 shall be \$25.00 for residential users and
20 \$100.00 for all others. It is the intent of
21 the City that all applications will be
22 reviewed and credits and discounts determined
23 within thirty (30) days after submittal of a
24 complete and correct application package. The
25 credit will be effective on the 1st billing
26 cycle for that property following completion
27 of construction, or the date of the
28 application. However, for all applications
29 submitted by July 31, 1995, the credit or
30 discount will be applied retroactively to the
31 first billing of service charges under this
32 Ordinance.
2. APPEALS - Appeals of credit or discount
determinations shall be handled consistent
with the procedures set out above for
reconsideration of ERU Petitions. Appeals of
credit or discount decisions will be made
initially to the Director, or his designee.
Should satisfaction not be achieved, an appeal
may be lodged with the Board.
3. Application for credit or discount, or appeal
of determination thereon shall not constitute
a valid reason for non-payment of the
originally assessed stormwater service charge
by the user.

1 SECTION 53.10 STORMWATER FUND.

2 All revenues earned and fees collected for
3 stormwater service, including but not limited to,
4 drainage service charges, permit and inspection fees,
5 direct charges and interest earnings on any unused funds
6 shall be deposited in an account entitled "City of Fort
7 Wayne Stormwater Account." Disbursements from this
8 account will be authorized by the Board and, as required
9 by law, the Common Council. Such disbursements will be
10 used exclusively for the operation, maintenance and
11 improvement of the City's stormwater system. Funds from
12 this account shall not revert to any other City Utilities
13 or Civil City fund and may not be transferred for any
14 other purpose, including to avoid a default on bonds or
15 any City Utilities fund or the City.

9 SECTION 53.11 LIEN ON PREMISES.

10 Each stormwater service charge rendered under or
11 pursuant to this chapter is hereby made a lien upon the
12 corresponding lot, parcel of land, building or premises
13 which contributes directly or indirectly to the
14 stormwater system of the City, and, if the same is not
15 paid within ninety days after it shall be due and
16 payable, it shall be certified to the Auditor of Allen
17 County; who shall place the same on the tax duplicate of
18 said County with the interest and penalties allowed by
19 law to be collected as other taxes are collected.

16 SECTION 53.12 VIOLATIONS AND ENFORCEMENT.

17 A. Failure to pay a stormwater user fee when due shall
18 constitute a violation of this Chapter, which shall be
19 enforced by the Director and such deputies as the
20 Director, with the approval of the Board, may appoint for
21 such purposes.

22 B. In order to protect the integrity of the Fort Wayne
23 Stormwater Utility, it is determined to be a violation of
24 this Chapter to permit, allow or engage in the dumping or
25 disposal of materials other than stormwater into the
26 City's municipal separate stormwater system.

27 C. It shall be a violation of this Chapter to permit,
28 allow or engage in the discharge of domestic sewage or
29 industrial waste into any waterway of the United States
30 including, but not limited to, the St. Mary's River, the
31 St. Joseph River, the Maumee River, any of their
32 tributaries or streams, or any streets, storm sewers or
 drains, ditches or drainage ways leading to any such
 waterway of the United States.

27 D. It shall be a violation of this Chapter to store
28 polluting substances, as identified by USEPA or IDEM, in
29 a manner which violates any federal, state or local
30 statute, ordinance or regulation relating to the
31 protection of the public health, safety and welfare or
32 environment, when such storage is shown to have the
 potential of allowing discharge to any waterway of the
 United States including, but not limited to, the St.
 Mary's River, the St. Joseph River, the Maumee River, any
 of their tributaries or streams, or any streets, storm
 sewers or drains, ditches or drainageways leading to any
 such waterway of the United States.

- 1 E. Whenever said Director or any such deputy shall
2 deem it appropriate to charge any person with
3 violation(s) of this Chapter, he shall issue to
4 such person a Notice of Violation and/or summons,
5 which shall be processed according to the
6 provisions of I.C. 34-4-32-1.
7

8 SECTION 53.13 PENALTY.

- 9 A. Any non-residential user charged under Section
10 53.12(A) above and found to be in violation shall
11 be subject to a fine of up to \$2500.00 per day and
12 shall be held responsible for the amount of the
13 outstanding bill, in lieu of a collection action
14 and assessment of collection or deferred payment
15 charges set out in Section 53.07 (B) and (C) or
16 lien procedures under Section 53.11.
17 B. Any user found in violation of Section 53.12(B)
18 shall be subject to a fine of up to \$2,500.00 per
19 day. In addition, said user may also be held
20 responsible for any costs incurred by the City in
21 rectifying a situation of pollution to the
22 waterways of the United States and/or for repairing
23 any damage to the public stormwater facility, and
24 or the stormwater system.
25 C. Each day that such violation(s) or noncompliance
26 continues shall constitute a separate offense. Any
27 fine assessed by the court shall be deemed a civil
28 judgment.

29 SECTION 53.14 SEVERABILITY.

- 30 A. The invalidity of any section, sentence, clause,
31 paragraph, part or provision of this Ordinance
32 shall not affect the validity of any other section,
33 sentence, clause, paragraph, part or provision of
34 this Ordinance which can be given meaning without
35 such invalid part or parts.
36 B. All Ordinances or parts of Ordinances and sections
37 of the Municipal Code of the City of Fort Wayne in
38 conflict herewith are hereby repealed.

39 SECTION 2. That this Ordinance shall be in
40 full force and effect beginning sixty (60) days after
41 passage and any and all necessary approval by the Mayor
42 and publication thereof.

43 *Samuel J. Talarico*
44 _____
45 Council Member

46 APPROVED AS TO FORM
47 AND LEGALITY

48 *J. Timothy McCaulay*
49 _____
50 J. TIMOTHY MCCUAULAY, CITY ATTORNEY

Read the first time in full and on motion by Sandie E. Kennedy,
seconded by John G. Schmid, and duly adopted, read the second time by
title and referred to the Committee on City Plan Commission (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Common Council Conference Room 128, City-County
Building, Fort Wayne, Indiana, on 19, the 13th day of January, 1995, at 10:00 o'clock A.M., E.S.T.

DATED: 7-26-94

Sandra E. Kennedy, CITY CLERK

Read the third time in full and on motion by Sandra E. Kennedy,
seconded by John G. Schmid, and duly adopted, placed on its passage.
PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>	<u>1</u>	<u>0</u>	<u>2</u>
BRADBURY	<u>✓</u>	<u>0</u>	<u>0</u>	<u>0</u>
EDMONDS	<u>✓</u>	<u>0</u>	<u>0</u>	<u>0</u>
GIAQUINTA	<u>✓</u>	<u>0</u>	<u>0</u>	<u>0</u>
HENRY	<u>✓</u>	<u>0</u>	<u>0</u>	<u>0</u>
LONG	<u>✓</u>	<u>0</u>	<u>0</u>	<u>0</u>
LUNSEY	<u>✓</u>	<u>0</u>	<u>0</u>	<u>0</u>
RAVINE	<u>✓</u>	<u>0</u>	<u>0</u>	<u>0</u>
SCHMIDT	<u>✓</u>	<u>0</u>	<u>0</u>	<u>0</u>
TALARICO	<u>✓</u>	<u>0</u>	<u>0</u>	<u>0</u>

DATED: 1-10-95

Sandra E. Kennedy,
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 12-04-95
on the 10th day of January, 1995

ATTEST:

(SEAL)

Sandra E. Kennedy, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 11th day of February, 1995,
at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy,
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of January,
19 95, at the hour of 2:00 o'clock P.M., E.S.T.

Paul Helmke,
PAUL HELMKE, MAYOR

BILL NO. G-94-07-21 (as amended) (as amended) (as amended)
(as amended)

REPORT OF THE COMMITTEE ON
CITY UTILITIES

SAMUEL J. TALARICO - JANET G. BRADBURY - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) AMENDING CHAPTER 53:
"STORMWATER SERVICE" OF THE CITY OF FORT WAYNE CODE OF ORDINANCES

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Sam Talarico
John ...
Rebecca ...
... ...
Mark ...
David ...

DATED: 1-10-95

Sandra E. Kennedy
City Clerk

1 GENERAL ORDINANCE NO. _____

2 AN ORDINANCE AMENDING CHAPTER 53:
3 "STORMWATER SERVICE," OF THE CITY OF
4 FORT WAYNE CODE OF ORDINANCES.

5 WHEREAS, the Common Council of the City of Fort
6 Wayne passed Ordinances G-17-91 and Amended Ordinance G-
7 25-91 establishing an interim stormwater service charge
8 for users of the Fort Wayne Stormwater Utility in 1991;
9 and

10 WHEREAS, that schedule of interim Stormwater
11 Service Charges, which is still in effect, was based on
12 broad land-use classification of users, approximating the
13 average impervious stormwater runoff contributed by each
14 classification; and

15 WHEREAS, at the time of passage of Ordinance G-
16 17-91 and Amended Ordinance G-25-91, the Common Council
17 requested City Utilities staff to undertake a cost of
18 service and rate study in order to more accurately assess
19 stormwater service charges to individual users in a more
20 equitable manner than currently adopted in the interim
21 rate; and

22 WHEREAS, Woolpert Consultants along with David
23 M. Griffith and Associates, Inc. and Strand and
24 Associates, Inc. (Stormwater Consultants) were hired to
25 assist City Utilities in performing the necessary cost
26 of service and rate study analysis in order to implement
27 a more equitable stormwater billing system; and

28 WHEREAS, Common Council representatives, Board
29 of Public Works members, City Utilities and Civil City
30 staff, along with the Stormwater Consultants were
31 gathered to form a Stormwater Management Task Force to
32 consider all issues involved in arriving at an acceptable
stormwater management rate structure, which task force
met on a regular basis from July, 1992 through July,
1993; and

1 WHEREAS, the work of the task force and
2 consultants was presented to the Common Council in
3 September, 1993; and

4 WHEREAS, the work of the Stormwater Consultants
5 and the Stormwater Management Task Force was completed in
6 July of 1994; and

7 WHEREAS, the work of the Stormwater Management
8 Task Force, in conjunction with that of the Stormwater
9 Consultants, culminated in a recommended stormwater rate
10 structure which is fair, equitable, revenue sufficient,
11 and which reflects the relative contribution of
12 stormwater runoff from a property, the benefits enjoyed,
13 and services received by each property as a result of the
14 collection of surface water, and which considers the
15 impervious area of the various properties within the
16 City, because the extent of storm and surface water
17 runoff from a particular parcel of property is largely a
function of its impervious area.

18 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
19 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

20 SECTION 1. Chapter 53 of the Code of
21 Ordinances of the City of Fort Wayne entitled "Stormwater
22 Management Department" be amended as follows:

23 SECTION 53. STORMWATER MANAGEMENT DEPARTMENT

25 SECTION 53.01 BOARD OF STORMWATER MANAGEMENT TO OPERATE
STORMWATER SYSTEM.

26 (A) Adoption of State Law.

27 The provisions of Indiana Code Chapter 8-1.5-5 are
28 hereby adopted in their entirety, and the following
29 entities established:

- 30 (1) A Department of Stormwater Management within
the Division of City Utilities.
- 31 (2) A Board of Directors of the Department of
Stormwater Management which shall consist of
three (3) directors appointed by the Mayor,
not more than two (2) of whom may be of the
same political party. Directors shall serve
terms of four (4) years; however, the initial
terms shall be staggered. The Mayor may
remove a director at any time when, in the

judgment of the Mayor, it is for the best interest of the Department.

- (3) A Stormwater Management District, extending to the corporate boundaries of the City of Fort Wayne is hereby established for the purpose of providing for the collection and disposal of stormwater of the City in a manner which protects the public health and welfare, and for the purpose of assessing fees to pay for the cost of stormwater facilities and services. As the corporate boundaries of the City change, whether through annexation or otherwise, so shall the boundaries of the Stormwater District change.

(B) Powers of the Board.

The Board of Directors of the Department of Stormwater Management shall have exclusive jurisdiction over the collection and disposal of stormwater within the District, and shall possess all the powers and duties set forth in I.C. 8-1.5-3-4 and 8-1.5-5-6 including but not limited to the power to:

1. Establish and enforce Rules and Regulations governing the Department of Stormwater Management after approved in ordinance form by the Common Council.
 2. Hold hearings following public notice.
 3. Make findings and determinations.
 4. Install, maintain and operate a stormwater collection and disposal system.
 5. Make all necessary or desirable improvements of the grounds and premises under its control.
 6. Recommend to the Common Council reasonable and just rates and charges for services to the customers of the District.

SECTION 53.02 PURPOSE AND OBJECTIVE.

The function of the Department of Stormwater Management is to provide for the safe and efficient capture and conveyance of stormwater runoff; mitigate the damaging effects of stormwater runoff; correct stormwater collection and conveyance problems; and fund the activities of stormwater management including design, planning, regulation, education, coordination, construction, operation, maintenance, inspection and enforcement activities, all for the protection of the public health, welfare and safety. It is the further function of the Department of Stormwater Management to insure the City of Fort Wayne's compliance with its NPDES Stormwater Discharge Permit(s).

It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with Federal, State, and local laws and regulations that a system of charges for stormwater service in the city of Fort Wayne be established which allocates the cost of providing stormwater service to each user in such a manner that the charges assessed are proportionate to the cost of providing stormwater service to that user, insofar as those costs can reasonably be determined.

SECTION 53.03 **DEFINITIONS.**

Whenever used in this Chapter 53, the meaning of the following words and terms shall be defined in this section:

1	ABATEMENT	Any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a stormwater drainage system.
2	AGRICULTURAL PROPERTY	A parcel or lot exceeding five (5) acres of land encompassing two (2) or more structures used to support agricultural activities.
3	APARTMENT/ CONDOMINIUM PROPERTY	A lot or parcel of real estate on which is situated a building containing 5 or greater single-family dwelling units, or on which 2 or more buildings each containing multiple single-family dwelling units are situated.
4	APPROVED PLANS	Plans approved by the Department of Stormwater Management according to a permits and plan review which will govern all improvements made within the City that require stormwater facilities or changes or alterations to existing stormwater facilities.
5	BOARD	Board of Directors of the Department of Stormwater Management established under Section 53.01 of the City of Fort Wayne Code of Ordinances.
6	CODE	Fort Wayne Code of Ordinances.
7	COMBINED SEWER	Pipe or conduit primarily designed to convey sanitary sewage and secondarily intended to convey stormwater.
8	DETENTION	The temporary storage of stormwater runoff in a basin, pond or other structure to control the peak discharge rates by holding the stormwater for a lengthened period of time and which provides some gravity settling of particulates.
9	DIRECTOR	The Director of the Division of City Utilities, City of Fort Wayne, Indiana.
10	DSM	Fort Wayne Department of Stormwater Management.
11	EQUIVALENT RESIDENTIAL UNIT (ERU)	A unit value, equal to the average amount of impervious area of a single family residential property within the City of Fort Wayne, and established at 2500 square feet of [measured] impervious area. It is also the basis for calculating the proper assessment of stormwater charges to all users of the Fort Wayne Stormwater System.

	IMPERVIOUS AREA	Areas that has been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop and blacktop, such that the infiltration of water into the soil is prevented. Excluded from this definition are undisturbed land, lawns and fields.
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4		
5	INFILTRATION	Infiltration is a complex process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.
6		
7	NON-RESIDENTIAL PROPERTY	All properties not encompassed by the definition of Residential shall be defined as Non-residential. Non-residential property will include:
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9		
10		
11		
12		
13		
14		
15		
16		
17	NPDES	National Pollutant Discharge Elimination System. Regulations for stormwater discharges as described in The Federal Register, 40 CFR Parts 122, 123 and 124.
18		
19		
20		
21	NPDES PERMIT	Permit issued to the City pursuant to Section 402 of the Clean Water Act.
22		
23	PEAK DISCHARGE	The peak discharge, sometimes called peak flow, is the maximum rate of flow of water passing a given point during or after a rainfall event.
24		
25	PRIVATE STORMWATER FACILITIES	Various stormwater and drainage works not under the control or ownership of the City, County, State and/or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.
26		
27		
28		
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30		
31	PUBLIC STORMWATER FACILITIES	The various stormwater and drainage works under the control and/or ownership of the City, County, State or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets,
32		

		retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.
1	RESIDENTIAL PROPERTY	For the purpose of this ordinance, Residential Property refers to a lot or parcel of real estate on which a building or mobile home is situated which building contains a group of rooms forming a single inhabitable dwelling unit with facilities which are used or are intended to be used primarily for living, sleeping, cooking and eating. This definition also includes a lot containing one individual building containing four (4) or fewer separate or contiguous single-family dwelling units. Each and every residential property shall be assigned one (1) ERU.
2	RETENTION	The holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration or emergency bypass.
3	SQUARE FOOTAGE OF IMPERVIOUS AREA	For the purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard to topographic features of the enclosed surface.
4	STORM SEWER	A sewer designed or intended to convey only stormwater, surface runoff, street wash waters, and drainage, and not intended for sanitary sewage and industrial wastes other than unpolluted cooling water. The portion of a sewer intended to carry stormwater only, which begins at the grating or opening where water enters said sewer, through the sewer and any other conduits to the outlet structure where water enters a channel, natural watercourse or combined sewer.
5	STORMWATER SERVICE CHARGE	A charge imposed on users of the City's stormwater collection, impounding and transportation system.
6	STORM WATER SERVICE CUSTOMER/USER	The owner of a lot or parcel of residential or non-residential property shall be considered the City Utilities Customer for the purpose of assessing stormwater service charges.
7	STORMWATER SYSTEM	All constructed facilities, including combined sewers, structures and natural watercourses

under the ownership, and/or control
of the City used for collecting and
conducting stormwater to, through
and from drainage areas to the point
of final outlet, including, but not
limited to, any and all of the
following: inlets, conduits and
appurtenant features, creeks,
channels, catch basins, ditches,
streams, culverts, retention or
detention basins and pumping
stations; and excluding therefrom,
any part of the system of drains and
watercourses under the jurisdiction
of the Allen County Drainage Board.

SECTION 53.04 STORMWATER SERVICE CHARGE.

A stormwater service charge shall be imposed on each and every lot and parcel of land within the City which directly or indirectly contributes to the stormwater system of the City, which charge shall be assessed against the owner thereof, who shall be considered the user for the purposes of this Ordinance. This charge is deemed reasonable and is necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future City stormwater system.

SECTION 53.05 STORMWATER RATE ESTABLISHMENT PROCEDURES.

A. The Stormwater Service Rate shall be \$1.94 per ERU per month. For the purpose of this Ordinance, a month shall be considered 25-35 days. Any billings for stormwater service outside this time shall be on a per diem basis.

B. This stormwater rate is designed to recover the cost of rendering stormwater service to the users of the Stormwater System, and shall be the basis for assessment of the City's stormwater service charge. This rate is established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for services.

C. This rate shall be evaluated annually as to its sufficiency to satisfy the needs of the DSM.

SECTION 53.06 RATE STRUCTURE.

A. For the purposes stated in Sections 53.02 and 53.05 there is hereby assessed a stormwater service charge to each user situated within the corporate limits of the City of Fort Wayne who contributes directly or indirectly to the stormwater system of the City, in an amount as determined below.

B. For any such property, lot, parcel of land, building or premises which contributes directly or indirectly to the stormwater system of the City, such charge shall be based upon the quantity of impervious area situated thereon.

C. All properties having impervious area within the City of Fort Wayne will be assigned an Equivalent

Residential Unit (ERU), or a multiple thereof, with all properties having impervious area receiving at least one (1) ERU.

(1.) **Residential Properties:** A monthly flat-rate charge for stormwater service rendered to residential properties shall be charged to each account within the City limits according to the service address. All residential properties are hereby assigned one (1) ERU. This flat rate shall apply to all residential properties as defined herein.

(2.) **Non-residential Properties:** Non-residential properties will be assigned an ERU multiple based upon the properties' individually measured impervious area (in square feet) divided by 2500 square feet (one ERU). Only whole ERUs shall be used. This division will be calculated to the first decimal place and rounded according to mathematical convention (0-0.4 rounded down to nearest whole ERU; 0.5-0.9 rounded up to nearest whole ERU). Rounding protocol shall apply only when measured impervious surface exceeds one (1) whole ERU.

D. There shall be no exceptions from stormwater service charges.

SECTION 53.07 BILLINGS AND TERMS OF PAYMENT.

(A.) BILLINGS.

All stormwater service bills shall be rendered on a monthly basis, along with the user's charges for other City Utility services.

(B.) TERMS OF PAYMENT.

The stormwater service charges prescribed in Section 53.06 shall be due on the payment date set out on the bill. It shall be a violation of this Chapter to fail to pay a stormwater service bill when due. All bills for stormwater services not paid on or before the due date, which due date shall be approximately 15 days after the bill is rendered, shall be subject to a collection or deferred payment charge of 10% on outstanding balance.

(C.) PAYMENT PRIORITY.

Stormwater service charges shall take priority over all other charges for City Utility services. Partial payments shall first be applied to satisfy the garbage user fee under Chapter 50 of the Code and secondly, to these charges.

(D.) COLLECTION.

Delinquent stormwater service charges may be collected in a civil action along with other delinquent City Utility charges, reasonable attorney fees and court costs.

SECTION 53.08 APPEALS OF ERU DETERMINATION.

1 A. If, in the opinion of any user, the ERU multiple
2 assigned to his property is inaccurate in light of the
3 amount of imperious area of said property, the user shall
have the right to contest the ERU determination and thus
the rate assessed in the following manner.

4 B. User shall obtain and complete a Petition to Appeal
5 Stormwater Rate form (Petition) which shall be returned
to the DSM with verifiable documentation supporting
user's claim.

6 C. The DSM shall investigate user's claim and, upon
7 review thereof, shall render a written determination that
8 either the original ERU determination and assessed rate
should be affirmed or the user's rate should be adjusted
according to the Petition.

9 D. If user's Petition is denied, said opinion shall be
10 forwarded to user by certified mail, return receipt
11 requested. User shall then have seven (7) days from date
12 of receipt to request a reconsideration by the Director.
13 Any additional facts concerning the dispute shall be
reduced to writing and submitted, along with a copy of
the original Petition and supporting documents, to the
Director. The DSM shall submit a written report of the
determination in the case, along with any documents used
in denying the user's claim.

15 E. Thereafter, the Director, or his designee, shall
16 review all documentation and conduct, as necessary in his
17 opinion, an informal hearing to determine and resolve the
18 dispute based on the documentation submitted and any oral
19 testimony. A written opinion shall be rendered within
20 thirty (30) days after the hearing or submission of
documentation if no hearing is conducted. The written
opinion of the Director or his designee shall constitute
the final DSM determination, and may be challenged by the
user by a written request to the Board for formal
consideration within fifteen (15) days of the Director's
opinion.

21 F. The Board shall conduct a hearing and issue a
22 determination which shall be binding on the City
23 Utilities. The hearing shall be electronically recorded
24 and a transcript of the hearing provided upon request at
a cost per page as determined by the City Utilities
Accounting Department and amended from time to time.

25 G. A party or person aggrieved by the final Board
26 determination shall have the right to judicial review of
such determination in accordance with Indiana law.

27 H. If the DSM recommends the user's rate be reduced, or
28 reduction is ordered by the Director, Board or court of
29 law, user shall be credited accordingly for any
30 overpayment made from the date of the Petition. However,
for all Petitions submitted by July 31, 1995, the reduced
rate shall be applied retroactively to the first (1st)
31 billing of service charges under this Ordinance. Said
credit shall apply both to metered usage and the
stormwater service charge, until any overpayment has been
fully adjusted.

32 I. Dispute or appeal of an ERU determination or
33 stormwater service rate shall not be a valid reason for
non-payment of the originally assessed stormwater service
charge by the user.

1 J. The right to appeal a rate classification under the
interim stormwater rate schedule pursuant to Amended
1 Ordinances G-25-91 and G-32-93 shall expire upon the
effective date of this Ordinance.

2

3 SECTION 53.09 CREDITS POLICY AND PROCEDURE.

4 This section discusses some of the most common
5 credit considerations and requirements but is not
6 intended to be the exclusive authority. The Board,
7 through the Rules and Regulations of the DSM shall more
8 fully and completely establish the Credit Policies and
9 Procedures for stormwater management.

10 A. CREDIT AVAILABILITY

- 11 1. Credit will be available to all properties
12 properties for various forms and levels of
13 abatement.
- 14 2. MAINTENANCE REQUIREMENTS - Credit will only be
15 allowed for properties where structural
16 controls are maintained in fully functional
17 condition and according to maintenance
18 criteria and design standards issued by the
19 DSM.
- 20 3. EXISTING STRUCTURE CREDITS - Credit will be
21 allowed for previously constructed abatement
22 features or stormwater controls. The amount
23 of credit granted will be determined by the
24 methods of design as outlined within the Rules
25 and Regulations of the DSM.
- 26 4. PROPERTY LOCATION - Credit will be granted on
27 the basis of location of a given property in
28 relation to a major waterway of the United
29 States, if it directly discharges its
30 stormwater to that waterway in conformance
31 with all maintenance criteria and design
32 standards as applicable. The waterways
 covered by this section shall include the St.-
 Mary's River, the St. Joseph River, the Maumee
 River, the major tributaries of these three
 (3) rivers and other ditches and drains
 specified in the Rules and Regulations of the
 DSM and any legal public drain under the
 control of Allen County.
- 33 5. VOLUNTARY CONTROLS - For new developments,
34 credit will be granted where the City requires
35 abatement features or stormwater controls to
36 be constructed and/or maintained, and all City
37 standards and criteria are met. Other
38 voluntary controls or upgrades of existing
39 systems through retrofitting will be granted
40 credits on a case-by-case basis considering
41 the impact of the controls on the City's
42 stormwater system, as determined by the DSM.
- 43 6. DETENTION/RETENTION - Credit will be granted
44 for qualifying detention basins and wet ponds.
45 Credit may be granted for other control
46 devices on a case-by-case basis providing
47 sufficient technical justification is
48 available to make such determinations.
- 49 7. OVERSIZING - Oversized private stormwater
50 facilities or improvements exceeding standard

abatement design criteria and intended to serve an area larger than the immediate project site or designed to handle a larger than specified storm event as required by the DSM shall be considered for additional credit.

8. INDUSTRIAL NPDES PERMIT CREDITS - No credit shall be allowed for industries in compliance with federal laws and regulations regarding industrial stormwater discharge permits at this time.
9. POLLUTION REDUCTION - No Credit will be allowed for voluntary efforts to reduce the amount of pollutants in a user's stormwater runoff or for improvements to the quality of a user's stormwater discharge at this time.
10. REGIONAL BASINS - Credit will not be granted to properties draining into ponds or basins maintained or owned by the City. Credit will be considered for privately owned and maintained regional controls and will be apportioned among owners on a prearranged basis.
11. PERCENT CREDITS FOR PRIVATE STORMWATER FACILITIES - A maximum credit of less than 100% of the user fee can be granted for the construction and maintenance of private stormwater facilities considering the potential of each to reduce peak and/or volume stormwater flow and direct discharge capabilities. Private stormwater facilities eligible for credits listed above constitute elements of the secondary drainage system. The secondary system is designed to drain a limited area with benefits limited to the owners of the particular property or owners of adjacent properties. As such, secondary elements of the system are not eligible for 100% credit.
Further, there are administrative costs involved with operation of the DSM which must be shared by all users, along with costs incurred to meet quality-based permit requirements which provide community-wide benefits, and thus cannot be credited.
12. FEDERAL, STATE, CITY AND COUNTY ROADWAYS, PUBLICLY-OWNED AIRPORT MOVEMENT AREAS - Publicly-owned streets and roads and highways shall be given 100% credit in reliance on governmental guidance documents which classify them as an integral part of the stormwater conveyance system. Publicly-owned airport movement areas including runways, taxiways, ramps and other areas of an airport which are used for taxiing or hover taxiing, air taxiing, takeoff, and landing of aircraft when constructed and maintained similarly to public roadways, shall also qualify for this credit. The surface water control systems incorporated in the design of roadways and airport movement

1 areas are engineered to convey all design
2 runoff without street flooding, etc.
3 associated with frequent, small runoff events
4 up to about 5 or 10 year recurrence intervals,
5 and as such, constitute elements of the
primary drainage system. Primary elements of
the drainage system yield community-wide
benefits and are installed to service the
general public's interests, conveying runoff
from large areas encompassing whole watersheds
in some cases.

6 B. CREDIT PROCEDURE

- 7 1. **TIMING OF APPLICATIONS/DETERMINATIONS -**
8 Application for credits shall be made on
9 forms provided by City Utilities and
10 accompanied by the appropriate applica-
11 tion fee. The fee shall be \$25.00 for
12 residential users and \$100.00 for all
13 others. It is the intent of the City
14 that all applications will be reviewed
15 and credits determined within thirty (30)
16 days after submittal of a complete and
correct application package. The credit
will be effective on the 1st billing
cycle for that property following
completion of construction, or the date
of the application. However, for all
applications submitted by July 31, 1995,
the credit will be applied retroactively
to the first billing of service charges
under this Ordinance.
- 17 2. **APPEALS -** Appeals of credit
18 determinations shall be handled
19 consistent with the procedures set out
20 above for reconsideration of ERU
21 Petitions. Appeals of credit decisions
22 will be made initially to the Director,
or his designee. Should satisfaction not
be achieved, an appeal may be lodged with
the Board.
- 23 3. Application for credit or appeal of
24 determination thereon shall not
25 constitute a valid reason for non-payment
of the originally assessed stormwater
service charge by the user.

26 SECTION 53.10 STORMWATER FUND.

27 All revenues earned and fees collected for
28 stormwater service, including but not limited to,
29 drainage service charges, permit and inspection fees,
30 direct charges and interest earnings on any unused funds
31 shall be deposited in an account entitled "City of Fort
32 Wayne Stormwater Account." Disbursements from this
account will be authorized by the Board and, as required
by law, the Common Council. Such disbursements will be
used exclusively for the operation, maintenance and
improvement of the City's stormwater system. Funds from
this account shall not revert to any other City Utilities
or Civil City fund and may not be transferred for any
other purpose, including to avoid a default on bonds or
any City Utilities fund or the City.

1 SECTION 53.11 LIEN ON PREMISES.

2 Each stormwater service charge rendered under or
3 pursuant to this chapter is hereby made a lien upon the
4 corresponding lot, parcel of land, building or premises
5 which contributes directly or indirectly to the
6 stormwater system of the City, and, if the same is not
7 paid within ninety days after it shall be due and
8 payable, it shall be certified to the Auditor of Allen
9 County; who shall place the same on the tax duplicate of
10 said County with the interest and penalties allowed by
11 law to be collected as other taxes are collected.
12

13 SECTION 53.12 VIOLATIONS AND ENFORCEMENT.

14 A. Failure to pay a stormwater user fee when due shall
15 constitute a violation of this Chapter, which shall be
16 enforced by the Director and such deputies as the
17 Director, with the approval of the Board, may appoint for
18 such purposes.

19 B. In order to protect the integrity of the Fort Wayne
20 Stormwater Utility, it is determined to be a violation of
21 this Chapter to permit, allow or engage in the dumping or
22 disposal of materials other than stormwater into the
23 City's municipal separate stormwater system.

24 C. It shall be a violation of this Chapter to permit,
25 allow or engage in the discharge of domestic sewage or
26 industrial waste into any waterway of the United States
27 including, but not limited to, the St. Mary's River, the
28 St. Joseph River, the Maumee River, any of their
29 tributaries or streams, or any streets, storm sewers or
30 drains, ditches or drainage ways leading to any such
31 waterway of the United States.

32 D. It shall be a violation of this Chapter to store
33 polluting substances, as identified by USEPA or IDEM, in
34 a manner which violates any federal, state or local
35 statute, ordinance or regulation relating to the
36 protection of the public health, safety and welfare or
37 environment.

38 E. Whenever said Director or any such deputy shall deem
39 it appropriate to charge any person with violation(s) of
40 this Chapter, he shall issue to such person a Notice of
41 Violation and/or summons, which shall be processed
42 according to the provisions of I.C. 34-4-32-1.

43 SECTION 53.13 PENALTY.

44 A. Any non-residential user charged under Section
45 53.12(A) above and found to be in violation shall
46 be subject to a fine of up to \$2500.00 per day and
47 shall be held responsible for the amount of the
48 outstanding bill, in lieu of a collection action
49 and assessment of collection or deferred payment
50 charges set out in Section 53.07 (B) and (C) or
51 lien procedures under Section 53.11.

52 1B. Any user found in violation of Section 53.12(B)
53 shall be subject to a fine of up to \$2,500.00 per
54 day. In addition, said user may also be held
55 responsible for any costs incurred by the City in
56 rectifying a situation of pollution to the
57 waterways of the United States and/or for repairing

any damage to the public stormwater facility, and or the stormwater system.

- C. Each day that such violation(s) or noncompliance continues shall constitute a separate offense. Any fine assessed by the court shall be deemed a civil judgment.

SECTION 53.14 SEVERABILITY.

- A. The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.
 - B. All Ordinances or parts of Ordinances and sections of the Municipal Code of the City of Fort Wayne in conflict herewith are hereby repealed.

SECTION 2. That this Ordinance shall be in full force and effect beginning February 1, 1995, pending its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM
AND LEGALITY

J.T. McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Held
Committee
40-494

BILL NO. G-94-07-21

REPORT OF THE COMMITTEE ON
CITY UTILITIES
DAVID C. LONG - SAMUEL J. TALARICO - CO-CHAIR
MARK E. GiAQINTA
REBECCA J. RAVINE

12-27-94

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) AMENDING CHAPTER 53:
"STORMWATER SERVICE" OF THE CITY OF FORT WAYNE CODE OF ORDINANCES

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Sam Talarico

DATED:

Sandra E. Kennedy
City Clerk

GENERAL ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53:
"STORMWATER SERVICE," OF THE CITY OF
FORT WAYNE CODE OF ORDINANCES.

WHEREAS, the Common Council of the City of Fort Wayne passed Ordinances G-17-91 and Amended Ordinance G-25-91 establishing an interim stormwater service charge for users of the Fort Wayne Stormwater Utility in 1991; and

WHEREAS, that schedule of interim Stormwater Service Charges, which is still in effect, was based on broad land-use classification of users, approximating the average impervious stormwater runoff contributed by each classification; and

WHEREAS, at the time of passage of Ordinance G-17-91 and Amended Ordinance G-25-91, the Common Council requested City Utilities staff to undertake a cost of service and rate study in order to more accurately assess stormwater service charges to individual users in a more equitable manner than currently adopted in the interim rate; and

WHEREAS, Woolpert Consultants along with David M. Griffith and Associates, Inc. and Strand and Associates, Inc. (Stormwater Consultants) were hired to assist City Utilities in performing the necessary cost of service and rate study analysis in order to implement a more equitable stormwater billing system; and

WHEREAS, Common Council representatives, Board of Public Works members, City Utilities and Civil City staff, along with the Stormwater Consultants were gathered to form a Stormwater Management Task Force to consider all issues involved in arriving at an acceptable stormwater management rate structure, which task force met on a regular basis from July, 1992 through July, 1993; and

1 WHEREAS, the work of the task force and
2 consultants was presented to the Common Council in
3 September, 1993; and

4 WHEREAS, the work of the Stormwater Consultants
5 and the Stormwater Management Task Force was completed in
6 July of 1994; and

7 WHEREAS, the work of the Stormwater Management
8 Task Force, in conjunction with that of the Stormwater
9 Consultants, culminated in a recommended stormwater rate
10 structure which is fair, equitable, revenue sufficient,
11 and which reflects the relative contribution of
12 stormwater runoff from a property, the benefits enjoyed,
13 and services received by each property as a result of the
14 collection of surface water, and which considers the
15 impervious area of the various properties within the
16 city, because the extent of storm and surface water
17 runoff from a particular parcel of property is largely a
18 function of its impervious area.

19 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
20 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

21 SECTION 1. Chapter 53 of the Code of
22 ordinances of the City of Fort Wayne entitled "Stormwater
23 Management Department" be amended as follows:

24 SECTION 53. STORMWATER MANAGEMENT DEPARTMENT

25 SECTION 53.01 BOARD OF STORMWATER MANAGEMENT TO OPERATE
26 STORMWATER SYSTEM.

27 (A) Adoption of State Law.

28 The provisions of Indiana Code Chapter 8-1.5-5 are
29 hereby adopted in their entirety, and the following
30 entities established:

31 (1) A Department of Stormwater Management within
32 the Division of City Utilities.

33 (2) A Board of Directors of the Department of
34 Stormwater Management which shall consist of
35 three (3) directors appointed by the Mayor,
36 not more than two (2) of whom may be of the
37 same political party. Directors shall serve
38 terms of four (4) years; however, the initial
39 terms shall be staggered. The Mayor may
40 remove a director at any time when, in the

judgment of the Mayor, it is for the best interest of the Department.

(3) A Stormwater Management District, extending to the corporate boundaries of the City of Fort Wayne is hereby established for the purpose of providing for the collection and disposal of stormwater of the City in a manner which protects the public health and welfare, and for the purpose of assessing fees to pay for the cost of stormwater facilities and services. As the corporate boundaries of the City change, whether through annexation or otherwise, so shall the boundaries of the Stormwater District change.

(B) Powers of the Board.

The Board of Directors of the Department of Stormwater Management shall have exclusive jurisdiction over the collection and disposal of stormwater within the District, and shall possess all the powers and duties set forth in I.C. 8-1.5-3-4 and 8-1.5-5-6 including but not limited to the power to:

1. Establish and enforce Rules and Regulations governing the Department of Stormwater Management.
2. Hold hearings following public notice.
3. Make findings and determinations.
4. Install, maintain and operate a stormwater collection and disposal system.
5. Make all necessary or desirable improvements of the grounds and premises under its control.
6. Recommend to the Common Council reasonable and just rates and charges for services to the customers of the District.

SECTION 53.02 PURPOSE AND OBJECTIVE.

The function of the Department of Stormwater Management is to provide for the safe and efficient capture and conveyance of stormwater runoff; mitigate the damaging effects of stormwater runoff; correct stormwater collection and conveyance problems; and fund the activities of stormwater management including design, planning, regulation, education, coordination, construction, operation, maintenance, inspection and enforcement activities, all for the protection of the public health, welfare and safety. It is the further function of the Department of Stormwater Management to insure the City of Fort Wayne's compliance with its NPDES Stormwater Discharge Permit(s).

It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with Federal, State, and local laws and regulations that a system of charges for stormwater service in the City of Fort Wayne be established which allocates the cost of providing stormwater service to each user in such a manner that the charges assessed are proportionate to the cost of providing stormwater service to that user, insofar as those costs can reasonably be determined.

SECTION 53.03 DEFINITIONS.

1 Whenever used in this Chapter 53, the meaning of the
2 following words and terms shall be defined in this
3 section:

4	ABATEMENT	Any action taken to remedy, correct, 5 or eliminate a condition within, 6 associated with, or impacting a 7 stormwater drainage system.
5	AGRICULTURAL PROPERTY	A parcel or lot exceeding five (5) 6 acres of land encompassing two (2) 7 or more structures used to support agricultural activities.
6	APARTMENT/ CONDOMINIUM PROPERTY	A lot or parcel of real estate on 7 which is situated a building containing 5 or greater single- family dwelling units, or on which 2 or more buildings each containing multiple single-family dwelling units are situated.
7	APPROVED PLANS	Plans approved by the Department of 8 Stormwater Management according to a permits and plan review which will govern all improvements made within the City that require stormwater facilities or changes or alterations to existing stormwater facilities.
8	BOARD	Board of Directors of the Department 9 of Stormwater Management established under Section 53.01 of the City of Fort Wayne Code of Ordinances.
9	CODE	Fort Wayne Code of Ordinances.
10	COMBINED SEWER	Pipe or conduit primarily designed 11 to convey sanitary sewage and secondarily intended to convey stormwater.
11	DETENTION	The temporary storage of stormwater 12 runoff in a basin, pond or other structure to control the peak discharge rates by holding the 13 stormwater for a lengthened period of time and which provides some 14 gravity settling of particulates.
14	DIRECTOR	The Director of the Division of City 15 Utilities, City of Fort Wayne, Indiana.
15	DSM	Fort Wayne Department of Stormwater Management.
16	EQUIVALENT RESIDENTIAL UNIT (ERU)	A unit value, equal to the average 17 amount of impervious area of a single family residential property within the City of Fort Wayne, and 18 established at 2500 square feet of [measured] impervious area. It is also the basis for calculating the proper assessment of stormwater 19 charges to all users of the Fort Wayne Stormwater System.

	IMPERVIOUS AREA	Areas that has been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop and blacktop, such that the infiltration of water into the soil is prevented. Excluded from this definition are undisturbed land, lawns and fields.
1		
2		
3		
4	INFILTRATION	Infiltration is a complex process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.
5		
6		
7	NON-RESIDENTIAL PROPERTY	All properties not encompassed by the definition of Residential shall be defined as Non-residential. Non-residential property will include:
8		
9		
10		
11		
12		
13		
14		
15		
16		
17	NPDES	National Pollutant Discharge Elimination System. Regulations for stormwater discharges as described in The Federal Register, 40 CFR Parts 122, 123 and 124.
18		
19		
20		
21	NPDES PERMIT	Permit issued to the City pursuant to Section 402 of the Clean Water Act.
22		
23	PEAK DISCHARGE	The peak discharge, sometimes called peak flow, is the maximum rate of flow of water passing a given point during or after a rainfall event.
24		
25	PRIVATE STORMWATER FACILITIES	Various stormwater and drainage works not under the control or ownership of the City, County, State and/or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.
26		
27		
28		
29		
30		
31	PUBLIC STORMWATER FACILITIES	The various stormwater and drainage works under the control and/or ownership of the City, County, State or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets,
32		

		retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.
1	RESIDENTIAL PROPERTY	For the purpose of this ordinance, Residential Property refers to a lot or parcel of real estate on which a building or mobile home is situated which building contains a group of rooms forming a single inhabitable dwelling unit with facilities which are used or are intended to be used primarily for living, sleeping, cooking and eating. This definition also includes a lot containing one individual building containing four (4) or fewer separate or contiguous single-family dwelling units. Each and every residential property shall be assigned one (1) ERU.
2	RETENTION	The holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration or emergency bypass.
3	SQUARE FOOTAGE OF IMPERVIOUS AREA	For the purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard to topographic features of the enclosed surface.
4	STORM SEWER	A sewer designed or intended to convey only stormwater, surface runoff, street wash waters, and drainage, and not intended for sanitary sewage and industrial wastes other than unpolluted cooling water. The portion of a sewer intended to carry stormwater only, which begins at the grating or opening where water enters said sewer, through the sewer and any other conduits to the outlet structure where water enters a channel, natural watercourse or combined sewer.
5	STORMWATER SERVICE CHARGE	A charge imposed on users of the City's stormwater collection, impounding and transportation system.
6	STORM WATER SERVICE CUSTOMER/USER	The owner of a lot or parcel of residential or non-residential property shall be considered the City Utilities Customer for the purpose of assessing stormwater service charges.
7	STORMWATER SYSTEM	All constructed facilities, including combined sewers,

structures and natural watercourses under the ownership, and/or control of the City used for collecting and conducting stormwater to, through and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, ditches, streams, culverts, retention or detention basins and pumping stations; and excluding therefrom, any part of the system of drains and watercourses under the jurisdiction of the Allen County Drainage Board.

SECTION 53.04 STORMWATER SERVICE CHARGE.

A stormwater service charge shall be imposed on each and every lot and parcel of land within the City which directly or indirectly contributes to the stormwater system of the City, which charge shall be assessed against the owner thereof, who shall be considered the user for the purposes of this Ordinance. This charge is deemed reasonable and is necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future City stormwater system.

SECTION 53.05 STORMWATER RATE ESTABLISHMENT PROCEDURES.

A. The Stormwater Service Rate shall be \$1.94 per ERU per month. For the purpose of this Ordinance, a month shall be considered 25-35 days. Any billings for stormwater service outside this time shall be on a per diem basis.

B. This stormwater rate is designed to recover the cost of rendering stormwater service to the users of the Stormwater System, and shall be the basis for assessment of the City's stormwater service charge. This rate is established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for services.

C. This rate shall be evaluated annually as to its sufficiency to satisfy the needs of the DSM.

SECTION 53.06 RATE STRUCTURE.

A. For the purposes stated in Sections 53.02 and 53.05 there is hereby assessed a stormwater service charge to each user situated within the corporate limits of the City of Fort Wayne who contributes directly or indirectly to the stormwater system of the City, in an amount as determined below.

B. For any such property, lot, parcel of land, building or premises which contributes directly or indirectly to the stormwater system of the City, such charge shall be based upon the quantity of impervious area situated thereon.

1 c. All properties having impervious area within the
2 City of Fort Wayne will be assigned an Equivalent
3 Residential Unit (ERU), or a multiple thereof, with
4 all properties having impervious area receiving at
5 least one (1) ERU.

6 (1.) **Residential Properties:** A monthly flat-rate
7 charge for stormwater service rendered to
8 residential properties shall be charged to
9 each account within the City limits according
10 to the service address. All residential
11 properties are hereby assigned one (1) ERU.
12 This flat rate shall apply to all residential
13 properties as defined herein.

14 (2.) **Non-residential Properties:** Non-residential
15 properties will be assigned an ERU multiple
16 based upon the properties' individually
17 measured impervious area (in square feet)
18 divided by 2500 square feet (one ERU). Only
19 whole ERUs shall be used. This division will
20 be calculated to the first decimal place and
21 rounded according to mathematical convention
22 (0-0.4 rounded down to nearest whole ERU;
23 0.5-0.9 rounded up to nearest whole ERU).
24 Rounding protocol shall apply only when
25 measured impervious surface exceeds one (1)
26 whole ERU.

27 D. There shall be no exceptions from stormwater service
28 charges.

29 **SECTION 53.07 BILLINGS AND TERMS OF PAYMENT.**

30 (A.) **BILLINGS.**

31 All stormwater service bills shall be rendered on a
32 monthly basis, along with the user's charges for other
33 city Utility services.

34 (B.) **TERMS OF PAYMENT.**

35 The stormwater service charges prescribed in Section
36 53.06 shall be due on the payment date set out on the
37 bill. It shall be a violation of this Chapter to fail to
38 pay a stormwater service bill when due. All bills for
39 stormwater services not paid on or before the due date,
40 which due date shall be approximately 15 days after the
41 bill is rendered, shall be subject to a collection or
42 deferred payment charge of 10% on outstanding balance.

43 (C.) **PAYMENT PRIORITY.**

44 Stormwater service charges shall take priority over
45 all other charges for City Utility services. Partial
46 payments shall first be applied to satisfy the garbage
47 user fee under Chapter 50 of the Code and secondly, to
48 these charges.

49 (D.) **COLLECTION.**

50 Delinquent stormwater service charges may be collected in
51 a civil action along with other delinquent City Utility
52 charges, reasonable attorney fees and court costs.

SECTION 53.08 APPEALS OF ERU DETERMINATION.

1 A. If, in the opinion of any user, the ERU multiple
2 assigned to his property is inaccurate in light of the
3 amount of impervious area of said property, the user shall
have the right to contest the ERU determination and thus
the rate assessed in the following manner.

4 B. User shall obtain and complete a Petition to Appeal
5 Stormwater Rate form (Petition) which shall be returned
to the DSM with verifiable documentation supporting
user's claim.

6 C. The DSM shall investigate user's claim and, upon
7 review thereof, shall render a written determination that
8 either the original ERU determination and assessed rate
should be affirmed or the user's rate should be adjusted
according to the Petition.

9 D. If user's Petition is denied, said opinion shall be
10 forwarded to user by certified mail, return receipt
11 requested. User shall then have fifteen (15) days from
12 date of receipt to request a reconsideration by the
13 Director. Any additional facts concerning the dispute
14 shall be reduced to writing and submitted, along with a
copy of the original Petition and supporting documents,
to the Director. The DSM shall submit a written report
of the determination in the case, along with any
documents used in denying the user's claim.

15 E. Thereafter, the Director, or his designee, shall
16 review all documentation and conduct, as necessary in his
17 opinion, an informal hearing to determine and resolve the
dispute based on the documentation submitted and any oral
18 testimony. A written opinion shall be rendered within
19 thirty (30) days after the hearing or submission of
20 documentation if no hearing is conducted. The written
opinion of the Director or his designee shall constitute
the final DSM determination, and may be challenged by the
user by a written request to the Board for formal
consideration within fifteen (15) days of the Director's
opinion.

21 F. The Board shall conduct a hearing and issue a
22 determination which shall be binding on the City
23 Utilities. The hearing shall be electronically recorded
24 and a transcript of the hearing provided upon request at
a cost per page as determined by the City Utilities
Accounting Department and amended from time to time.

25 G. A party or person aggrieved by the final Board
26 determination shall have the right to judicial review of
such determination in accordance with Indiana law.

27 H. If the DSM recommends the user's rate be reduced, or
28 reduction is ordered by the Director, Board or court of
law, user shall be credited accordingly for any
overpayment made from the date of the Petition. However,
29 for all Petitions submitted by June 30, 1995, the reduced
rate shall be applied retroactively to the first (1st)
30 billing of service charges under this Ordinance. Said
credit shall apply both to metered usage and the
31 stormwater service charge, until any overpayment has been
fully adjusted.

32 I. Dispute or appeal of an ERU determination or
stormwater service rate shall not be a valid reason for
non-payment of the originally assessed stormwater service
charge by the user.

1 SECTION 53.09 CREDITS POLICY AND PROCEDURE.

2 This section discusses some of the most common
3 credit considerations and requirements but is not
4 intended to be the exclusive authority. The Board,
5 through the Rules and Regulations of the DSM shall more
6 fully and completely establish the Credit Policies and
7 Procedures for stormwater management.

8 A. CREDIT AVAILABILITY

- 9 1. Credit will be available to all properties
10 except residential properties for various
11 forms and levels of abatement.
- 12 2. MAINTENANCE REQUIREMENTS - Credit will only be
13 allowed for properties where structural
14 controls are maintained in fully functional
15 condition and according to maintenance
16 criteria and design standards issued by the
17 DSM.
- 18 3. EXISTING STRUCTURE CREDITS - Credit will be
19 allowed for previously constructed abatement
20 features or stormwater controls. The amount
21 of credit granted will be determined by the
22 methods of design as outlined within the Rules
23 and Regulations of the DSM.
- 24 4. PROPERTY LOCATION - Credit will be granted on
25 the basis of location of a given property in
26 relation to a major waterway of the United
27 States, if it directly discharges its
28 stormwater to that waterway in conformance
29 with all maintenance criteria and design
30 standards as applicable. The waterways
31 covered by this section shall include the St.-
32 Mary's River, the St. Joseph River, the Maumee
River, the major tributaries of these three
(3) rivers and other ditches and drains
specified in the Rules and Regulations of the
DSM.
- 33 5. VOLUNTARY CONTROLS - For new developments,
34 credit will be granted where the City requires
35 abatement features or stormwater controls to
36 be constructed and/or maintained, and all City
37 standards and criteria are met. Other
38 voluntary controls or upgrades of existing
39 systems through retrofitting will be granted
40 credits on a case-by-case basis considering
41 the impact of the controls on the City's
42 stormwater system, as determined by the DSM.
- 43 6. DETENTION/RETENTION - Credit will be granted
44 for qualifying detention basins and wet ponds.
45 Credit may be granted for other control
46 devices on a case-by-case basis providing
47 sufficient technical justification is
48 available to make such determinations.
- 49 7. OVERSIZING - Oversized private stormwater
50 facilities or improvements exceeding standard
51 abatement design criteria and intended to
52 serve an area larger than the immediate
53 project site or designed to handle a larger
54 than specified storm event as required by the
55 DSM shall be considered for additional credit.

- 1 8. INDUSTRIAL NPDES PERMIT CREDITS - No credit
2 shall be allowed for industries in compliance
3 with federal laws and regulations regarding
4 industrial stormwater discharge permits at
5 this time.
- 6 9. POLLUTION REDUCTION - No Credit will be
7 allowed for voluntary efforts to reduce the
8 amount of pollutants in a user's stormwater
9 runoff or for improvements to the quality of a
user's stormwater discharge at this time.
- 10 10. REGIONAL BASINS - Credit will not be granted
11 to properties draining into ponds or basins
12 maintained or owned by the City. Credit will
13 be considered for privately owned and
14 maintained regional controls and will be
15 apportioned among owners on a prearranged
16 basis.
- 17 11. PERCENT CREDITS FOR PRIVATE STORMWATER
18 FACILITIES - A maximum credit of less than
19 100% of the user fee can be granted for the
20 construction and maintenance of private
21 stormwater facilities considering the
22 potential of each to reduce peak and/or volume
23 stormwater flow and direct discharge
24 capabilities. Private stormwater facilities
25 eligible for credits listed above constitute
26 elements of the secondary drainage system.
27 The secondary system is designed to drain a
28 limited area with benefits limited to the
29 owners of the particular property or owners of
30 adjacent properties. As such, secondary
31 elements of the system are not eligible for
32 100% credit.
- Further, there are administrative costs involved with operation of the DSM which must be shared by all users, along with costs incurred to meet quality-based permit requirements which provide community-wide benefits, and thus cannot be credited.
- The formula for determining the applicable credit percentage for individual parcels shall be specifically set out in the Rules and Regulations of the DSM.
12. FEDERAL, STATE, CITY AND COUNTY ROADWAYS. Publicly-owned streets and roads and highways shall be given 100% credit in reliance on governmental guidance documents which classify them as an integral part of the stormwater conveyance system. The surface water control systems incorporated in the design of roadways are engineered to convey all design runoff without street flooding, etc. associated with frequent, small runoff events up to about 5 or 10 year recurrence intervals, and as such, constitute elements of the primary drainage system. Primary elements of the drainage system yield community-wide benefits and are installed to service the general public's interests, conveying runoff from large areas encompassing whole watersheds in some cases.

1 B. CREDIT PROCEDURE

- 2 1. **TIMING OF APPLICATIONS/DETERMINATIONS** - It is
3 the intent of the City that all applications
4 will be reviewed and credits determined within
5 thirty (30) days after submittal of a complete
6 and correct application package. The credit
7 will be effective on the 1st billing cycle for
8 that property following completion of
9 construction, or the date of the application.
10 However, for all applications submitted by
11 June 30, 1995, the credit will be applied
12 retroactively to the first billing of service
13 charges under this Ordinance.
- 14 2. **APPEALS** - Appeals of credit determinations
15 shall be handled consistent with the
16 procedures set out above for reconsideration
17 of ERU Petitions. Appeals of credit decisions
18 will be made initially to the Director, or his
19 designee. Should satisfaction not be
20 achieved, an appeal may be lodged with the
21 Board.
- 22 3. Application for credit or appeal of
23 determination thereon shall not constitute a
24 valid reason for non-payment of the originally
25 assessed stormwater service charge by the
26 user.

27 **SECTION 53.10 STORMWATER FUND.**

28 All revenues earned and fees collected for
29 stormwater service, including but not limited to,
30 drainage service charges, permit and inspection fees,
31 direct charges and interest earnings on any unused funds
32 shall be deposited in an account entitled "City of Fort
33 Wayne Stormwater Account." Disbursements from this
34 account will be authorized by the Board and, as required
35 by law, the Common Council. Such disbursements will be
36 used exclusively for the operation, maintenance and
37 improvement of the City's stormwater system. Funds from
38 this account shall not revert to any other City Utilities
39 or Civil City fund and may not be transferred for any
40 other purpose, including to avoid a default on bonds or
41 any City Utilities fund or the City.

42 **SECTION 53.11 LIEN ON PREMISES.**

43 Each stormwater service charge rendered under or
44 pursuant to this chapter is hereby made a lien upon the
45 corresponding lot, parcel of land, building or premises
46 which contributes directly or indirectly to the
47 stormwater system of the City, and, if the same is not
48 paid within ninety days after it shall be due and
49 payable, it shall be certified to the Auditor of Allen
50 County; who shall place the same on the tax duplicate of
51 said County with the interest and penalties allowed by
52 law to be collected as other taxes are collected.

53 **SECTION 53.12 VIOLATIONS AND ENFORCEMENT.**

54 A. Failure to pay a stormwater user fee when due shall
55 constitute a violation of this Chapter, which shall be
56 enforced by the Director and such deputies as the
57 Director, with the approval of the Board, may appoint for
58 such purposes.

1 B. In order to protect the integrity of the Fort Wayne
2 Stormwater Utility, it is determined to be a violation of
3 this Chapter to permit, allow or engage in the dumping or
4 disposal of materials other than stormwater into the
5 City's municipal separate stormwater system.

3 C. "It shall be a violation of this Chapter to permit,
4 allow or engage in" the discharge of domestic sewage,
5 industrial waste or other potential polluting substances
6 into any waterway of the United States including, but not
7 limited to, the St. Mary's River, the St. Joseph River,
8 the Maumee River, any of their tributaries or streams, or
9 any streets, storm sewers or drains, ditches or drainage
10 ways leading to any such waterway of the United States.

7 D. "It shall be a violation of this Chapter to permit,
8 allow or engage in" the storage of potentially polluting
9 substances in a manner which has the potential of
10 discharge to any waterway of the United States including,
11 but not limited to, the St. Mary's River, the St. Joseph
12 River, the Maumee River, any of their tributaries or
13 streams, or any streets, storm sewers or drains, ditches
14 or drainageways leading to any such waterway of the
15 United States.

12 E. Whenever said Director or any such deputy shall deem
13 it appropriate to charge any person with violation(s) of
14 this Chapter, he shall issue to such person a Notice of
15 Violation and/or summons, which shall be processed
16 according to the provisions of I.C. 34-4-32-1.

15 **SECTION 53.13 PENALTY.**

16 A. Any non-residential user charged under Section
17 53.12(A) above and found to be in violation shall
18 be subject to a fine of up to \$2500.00 per day and
19 shall be held responsible for the amount of the
20 outstanding bill, in lieu of a collection action
21 and assessment of collection or deferred payment
22 charges set out in Section 53.07 (B) and (C) or
23 lien procedures under Section 53.11.

24 B. Any user found in violation of Section 53.12(B)
25 shall be subject to a fine of up to \$2,500.00 per
26 day. In addition, said user may also be held
27 responsible for any costs incurred by the City in
28 rectifying a situation of pollution to the
29 waterways of the United States and/or for repairing
30 any damage to the public stormwater facility, and
31 or the stormwater system.

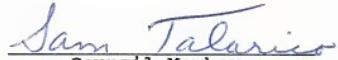
32 C. Each day that such violation(s) or noncompliance
33 continues shall constitute a separate offense. Any
34 fine assessed by the court shall be deemed a civil
35 judgment.

36 **SECTION 53.14 SEVERABILITY.**

37 A. The invalidity of any section, sentence, clause,
38 paragraph, part or provision of this Ordinance
39 shall not affect the validity of any other section,
40 sentence, clause, paragraph, part or provision of
41 this Ordinance which can be given meaning without
42 such invalid part or parts.

43 B. All Ordinances or parts of Ordinances and sections
44 of the Municipal Code of the City of Fort Wayne in
45 conflict herewith are hereby repealed.

1 SECTION 2. That this Ordinance shall be in
2 full force and effect beginning January 1, 1995, pending
3 its passage and any and all necessary approval by the
4 Mayor.

5 
6 Council Member

7 APPROVED AS TO FORM
8 AND LEGALITY

9 
10 J. TIMOTHY McCAULAY, CITY ATTORNEY

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DIGEST SHEET

TITLE OF ORDINANCE AMENDING CHAPTER 53 "STORMWATER SERVICE" OF THE CITY OF FORT WAYNE CODE OF ORDINANCES

DEPARTMENT REQUESTING ORDINANCE DIVISION OF CITY UTILITIES

SYNOPSIS OF ORDINANCE THIS ORDINANCE CREATES A PERMANENT RATE STRUCTURE FOR STORMWATER SERVICES BASED ON THE AMOUNT OF IMPERVIOUS SURFACE OF A PROPERTY. ALL RESIDENTIAL PROPERTY OWNERS SHALL PAY \$1.94 PER MONTH AS THEIR SERVICE FEE BASED ON A MEAN AMOUNT OF IMPERVIOUS AREA FOR RESIDENTIAL PROPERTY AT 2,500 FT., (ONE RESIDENTIAL EQUIVALENT UNIT). ALL NON-RESIDENTIAL PROPERTY OWNERS SHALL PAY A MULTIPLE OF THE \$1.94 PER MONTH, PER ERU.

EFFECT OF PASSAGE THE NEW PERMANENT RATE WOULD GO INTO EFFECT JANUARY 1, 1995.

EFFECT OF NON-PASSAGE THE INTERIM RATE BASED ON FIVE CLASSIFICATIONS OF USERS WOULD REMAIN IN EFFECT.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) REVENUE UNDER THE CURRENT RATE STRUCTURE IS APPROXIMATELY \$2.5M PER YEAR. IT IS EXPECTED THAT \$3.5 - \$4M COULD BE GENERATED UNDER THE PERMANENT RATE STRUCTURE, PROPOSED IN THIS ORDINANCE.

ASSIGNED TO COMMITTEE (PRESIDENT) _____



The City of Fort Wayne

Paul Helmke, Mayor

MEMORANDUM

LAW DEPARTMENT

TO: MEMBERS OF COMMON COUNCIL

FROM: LINDA PETERSON POWELL, STAFF ATTORNEY

DATE: July 25, 1994

SUBJECT: ORDINANCE AMENDING CHAPTER 53 "STORMWATER SERVICE" OF THE CITY OF FORT WAYNE CODE OF ORDINANCES

J. 94-07-21

This Ordinance establishes a permanent rate structure for stormwater services, which would replace the interim rate schedule in effect since 1991. Instead of having five (5) rate classifications based on the usage of the property, every non-residential property in the City of Fort Wayne would have an individual rate based on its unique impervious area.

Several hundred residential properties in Fort Wayne were measured for impervious area. The mean for all residential property was found to be 2500 sq. ft., which then became the area for one equivalent residential unit (ERU). The rate for residential properties will remain at \$1.94 which will be the service cost for one ERU.

The impervious surface of each non-residential property was measured. This square footage was divided by 2500 sq. ft. (one ERU). The figure arrived at indicates the number of ERUs assigned to that property and, when multiplied by \$1.94, establishes that user's monthly stormwater service fee. Non-residential properties will have the option of applying for credits against their stormwater service charge if they meet certain design and maintenance criteria.

Revenue under the current stormwater fee schedule is approximately \$2.5M per year. Under the new Ordinance, depending on the amount offset by credits, it is hoped that \$3.5M - \$4M will be generated annually in revenue. From the monies received under the new stormwater rates, approximately 10% is earmarked for pollution/quality based issues mandated by the federal government. The remaining 90% will be used for capital improvements to fight neighborhood flooding.



MEMBERS OF COMMON COUNCIL
ORDINANCE AMENDING CHAPTER 53
JULY 25, 1994

PAGE 2

If you have any questions regarding the Ordinance, please feel free to call me at 427-1124. Questions regarding the Department of Stormwater Management or various projects being funded by the Ordinance should be addressed to Terry Atherton at 427-1381 or Mike Thorndon at 427-1143.



STATE OF INDIANA
OFFICE OF THE ATTORNEY GENERAL

PAMELA CARTER
ATTORNEY GENERAL

STATE HOUSE
INDIANAPOLIS 46204

December 27, 1994

OFFICIAL OPINION 94-4

The Honorable Thomas J. Wyss
State Senator
Indiana Senate
Third Floor State House
Indianapolis, Indiana 46204

Mr. Stanley A. Levine
Legal Advisor
City-County Building
Room 122
Fort Wayne, Indiana 46802

Gentlemen:

This letter responds to your previous requests for an opinion regarding the constitutional issues surrounding the application of storm water fees to churches.¹ For the reasons outlined in greater detail below, it is my opinion that rate relief may be provided to churches in the form of favorable, differential rates, and the decision whether to create such rates is a matter of local legislative policy.

STATEMENT OF FACTS

My understanding of the facts, based upon the request and other materials accompanying it, is as follows:²

In 1987, the Indiana General Assembly passed legislation authorizing the creation of special taxing districts for the construction, operation, and management of storm water runoff

¹ As used in this opinion, the term "churches" includes any and all facilities that are primarily dedicated to religious worship, including temples, synagogues, mosques, cathedrals, and other houses of worship.

² The legal conclusions expressed herein are based on the understanding of the facts set forth above. I have made no independent investigation of the facts, and any difference between the facts as stated above and the actual facts, could alter the legal conclusions.



December 27, 1994

systems. P.L. 125-1987. That legislation, which is codified at Ind. Code § 8-1.5-5, authorizes municipalities to create such districts. With the approval of the legislative body of the municipality, the board of directors of a district may assess both "user fees" and "special taxes" to fund the district's operation. *See* Ind. Code § 8-1.5-5-7(b); 8-1.5-5-22. The former provides:

The board, after approval by the legislative body of the municipality, may assess and collect user fees from all of the property of the storm water district for the operation and maintenance of the storm water system.

Ind. Code § 8-1.5-5-7(b). The legislation was amended in 1993, in respects not material to the present inquiry. *See* P.L. 93-1993; P.L. 98-1993.

Since at least November of 1993, a storm water district has existed for the City of Fort Wayne, Indiana. Pursuant to an Ordinance enacted in November of 1993, "Stormwater Service Charges," presumably intended to be "user fees" under the state statute, have been assessed against property owners in Fort Wayne in order to fund the storm water operation. *See* Ft. Wayne General Ordinance G-32-93. The ordinance divided Fort Wayne property into several classes for purposes of the fees. Residential property owners were assessed \$1.94; schools, churches and other institutions were assessed \$13.18; commercial property owners were assessed \$36.93; and industrial property owners were assessed \$52.47.

Apparently, the revenues generated by those fees were not sufficient to meet the outlays required for storm water service in Fort Wayne. Accordingly, in the Fall of this year, the City began to consider proposals to change the fee structure.

Presently pending is a proposal that would continue the \$1.94 per month charge for residential property owners, but would assess others depending upon the amount of "impervious area" (e.g., parking lots, buildings, sidewalks, etc.) on their properties. Specifically, nonresidential property owners are assessed at \$1.94 per month for each "equivalent residential unit" ("ERU") of impervious area. An ERU is defined by the ordinance as 2500 square feet. However, all residential property is conclusively presumed to have one, and only one, ERU of impervious area.³

The assumption underlying the proposal is that large impervious areas contribute relatively more to the problem of storm water runoff. Thus, the reasoning goes, the owners of such properties should pay a proportionately larger share of the costs of maintaining the storm water system. As a result of the "one ERU per house" rule, though, it is clear that at least some residential property owners would have their "share" of the costs of running the storm water system partially "subsidized" by nonresidential property owners under the proposal.⁴

Fees for some property owners will rise dramatically under the proposal. Particularly hard hit will be property owners with large buildings or large, paved parking lots. According to media reports,

³ As defined in the proposed ordinance, "residential" property includes standard single family dwellings and multiple dwelling buildings (apartments) with four or fewer units.

⁴ It is not difficult to envision a residential property with more than 2500 square feet of impervious area, particularly since buildings and pavement are both included. Any structure, paved area, or combination thereof that is more than 15 feet by 25 feet would have at least two ERUs, using the ordinance's rounding rules.

for example, the fees for Glenbrook Square Shopping Center will rise from their current level to \$3880.00 per month.

Questions have arisen concerning the applicability of the new fees to churches. Certain churches have claimed that the federal and/or state constitutions forbid assessing the fees against them at all. Others have claimed that any exemption or differential rate given to churches would itself violate either or both constitutions. A middle ground is the position that, while an exemption is not appropriate, some relief, in the form of a differential rate structure, is both constitutionally permissible and desirable. Before this range of positions is analyzed, one must first consider the relevant constitutional framework.

CONSTITUTIONAL BACKGROUND

I. Pertinent Provisions of the Federal Constitution

The federal constitution contains a single provision pertaining to religious freedom, which provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;

U.S. Const. Amd. 1.⁵

In analyzing the provision jurisprudentially, courts have generally divided it into the "Establishment Clause," which marks the limits of governmental assistance to religion, and the "Free Exercise Clause," which marks the limits of governmental interference with religion. Logically, then, claims that an exemption is constitutionally required should be tested against the Free Exercise Clause. Claims that either exemptions or favorable, differential rates are constitutionally forbidden should be tested against the Establishment Clause.

The initial inquiry under the Free Exercise Clause is whether a significant burden on a "central religious belief or practice" is caused by the challenged governmental action; if so, the court proceeds to determine whether a "compelling governmental interest" justifies the burden. *See Jimmy Swaggart Ministries v. Board of Equalization*, 493 U.S. 378, 384-85 (1990) (quoting *Hernandez v. Commissioner*, 490 U.S. 680, 699 (1989)).⁶

Present Establishment Clause jurisprudence focuses on three factors: (1) whether the challenged statute has a secular purpose; (2) whether its effect is to advance or inhibit religion; and (3) whether the measure creates an excessive governmental entanglement with religion. E.g. *Lemon v. Kurtzman*, 403 U.S. 602, 612-13 (1971).

⁵ Though the provision is, by its terms, addressed only to the federal legislative body, it has long been understood as applying to the other branches of government. Since at least 1922, the Due Process Clause of the Fourteenth Amendment has been understood as requiring its application to the States. *See Meyer v. Nebraska*, 262 U.S. 390, 399 (1922).

⁶ Following *Jimmy Swaggart*, the Court abandoned the "compelling interest" test for neutral laws of general applicability. *Employment Division v. Smith*, 494 U.S. 872 (1990). Subsequently, that test was restored by federal legislation popularly known as the "Religious Freedom Restoration Act of 1993." *See* Pub. L. 103-141 (103d Cong., 1st. Sess.), 107 Stat. 1488 (1993).

II. Pertinent Provisions of the Indiana Constitution

Any proposed action must also be separately analyzed under the Indiana Constitution. Our Constitution has independent force, and analyses developed under the federal constitution do not necessarily control. *See, e.g., Collins v. Day*, ___ Ind. ___, No. 93S02-9411-EX-1120, (Nov. 28, 1994), Slip Op. at 2-3; *see generally R. Shepard, Second Wind for the Indiana Bill of Rights*, 22 Ind. L. Rev. 575 (1989).

As our Supreme Court has held, "interpretation of our constitution is controlled by the text itself, illuminated by history and by the purpose and structure of our constitution and the case law surrounding it." *Price v. State* (1993), Ind., 622 N.E.2d 954, 957, *rehearing pending*. Similarly, the Court has held that the task of construing the Constitution is "a search for the common understanding of both those who framed it and those who ratified it" *Bayh v. Sonneburg* (1991), Ind., 573 N.E.2d 398, 412; *see also Collins*, Slip Op. at 3 (citing *Sonneburg*).

Unlike the relatively general provisions of the federal constitution, the Indiana Constitution contains several detailed provisions protecting what the framers referred to collectively as "rights of conscience." *See Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Indiana* (1850, Indiana Historical Collections Reprint 1936; hereinafter "Debates") at 964. In contrast to the federal constitution's single provision, seven sections of Bill of Rights of the Indiana Constitution deal with this topic:

Section 2. All people shall be secured in the natural right to worship ALMIGHTY GOD, according to the dictates of their own consciences.

Section 3. No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

Section 4. No preference shall be given, by law, to any creed, religious society, or mode of worship; and no person shall be compelled to attend, erect, or support, any place of worship, or to maintain any ministry, against his consent.

Section 5. No religious test shall be required as a qualification for any office of trust or profit.

Section 6. No money shall be drawn from the treasury, for the benefit of any religious or theological institution.

Section 7. No person shall be rendered incompetent as a witness, in consequence of his opinions on matters of religion.

Section 8. The mode of administering an oath or affirmation, shall be such as may be most consistent with, and binding upon, the conscience of the person, to whom such oath or affirmation may be administered.

Ind. Const. Art. 1, §§ 2-8.

Of these provisions, sections 2, 3, 4, and 6 are most clearly implicated the instant controversy. Interestingly, those four sections were originally proposed as a single comprehensive section. Debates at 964-65. Similarly, the Constitution of 1816 dealt with "rights of conscience" in a single provision. Ind. Const. 1816, Art. I, § 3 (*reprinted in* 1 C. Kettleborough, *Constitution Making in Indiana* at 84-85). That provisions, in turn, can be traced back further, to the very first article in the "articles of compact" contained in the Northwest Ordinance of 1787:

Article 1st. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

Ordinance of July 13, 1787 (*reprinted in* 1 C. Kettleborough, *Constitution Making in Indiana* at 31). In addition, the Ordinance itself recognized that “Religion, morality, and knowledge [are] necessary to good government and the happiness of mankind.” *Id.* (Art. 4th).

Sections 2 and 3 of the present Indiana Constitution declare particular rights of conscience and set limits on governmental interference with those rights, in a way that is similar to — though more detailed than — the federal “Free Exercise Clause.” Sections 4 and 6, on the other hand, focus more on the limits of government *support* for religion, in a manner similar to — though again more detailed than — the federal “Establishment Clause.” Section 4 also contains an antidiscrimination principle in its admonition that no “preference” shall be given to any particular religion. *See Part VI, infra.* Finally, Article 10, Section 1, requires a “uniform and equal rate of property assessment and taxation,” but provides that “The General Assembly *may* exempt from property taxation any property in any of the following classes: (1) Property being used for municipal, education, literary, scientific, religious or charitable purposes.” (emphasis added).

Accordingly, like many state constitutions, the provisions of the Indiana Constitution represent “considered constitutional judgments about contentious issues of church and state” that are more “concrete and detailed” than federal provisions because “they are framed in language aimed at the specific evils that brought them forth.” G. Tarr, *Religion Under State Constitutions*, 496 Annals of Am. Academy of Political Science Studies 65, 68 (March, 1988). “Consequently, [the provisions] lend themselves to direct application with only minimal interpretation.” *Id.* As in many sister states, the framers of the Indiana Constitution “eliminated coercion in religious matters largely out of religious faith, in order to permit all people to respond freely to what they regarded as the call of God’s grace.” *Id.* at 66. Thus, the “prevailing assumption was that government would continue to be supportive of religion in general,” but that “this support would not take the form of direct subvention.” *Id.* at 67. In light of this constitutional backdrop, the specific issues raised by the request come into clearer focus.

ANALYSIS

As detailed below, present Indiana statutes do not allow a total exemption from paying any storm water fees at all for *any* group, including churches. Nor are such wholesale exemptions constitutionally compelled. However, a reasonable accommodation in the form favorable, differential rates for churches is permissible under the relevant statutes and the state and federal constitutions. The decision whether to enact such rates is wholly one of local legislative policy.

I. Current Statutory Law Does Not Provide for Any Exemptions from the User Fees But Allows for Differential Rates.

Before addressing the constitutional issues, the range of alternatives that are permissible under the statute must first be considered. By its terms, the statute provides that a district “may assess and collect user fees from *all* of the property of the storm water district.” Ind. Code § 8-1.5-5-7(b) (emphasis added). On its face, this provision does not permit an outright exemption for *any* entity. Thus, unless such an exemption is required by the state or federal constitutions, the City may not enact one. Because, as shown below, there is no such constitutional requirement, the question of whether either constitution *permits* such an exemption does not arise.

In contrast to its explicit requirement that all property in the district be subject to the fees, the statute is silent on the matter of rates and rate classifications. At common law, this silence might have been fatal to any contention that a local legislative body had the power to adopt classifications. Under the home rule statute, however, “[a]ny doubt as to the existence of a power of a [municipality] shall be resolved in favor of its existence.” Ind. Code § 36-1-3-3(b). Accordingly, local legislative bodies are free to make rate classifications to the full extent permitted by the state and federal constitutions. As shown below, the federal and state constitutions permit a reasonable accommodation achieved through a favorable, differential rate.

II. The Federal Free Exercise Clause Does Not Require Exemption from the Fees.

The notion that the Free Exercise Clause requires that Churches be wholly exempt from fees and taxes that are imposed upon other entities has been squarely rejected by the United States Supreme Court. *Jimmy Swaggart Ministries v. Board of Equalization*, 493 U.S. 378 (1990). There, the Court held that sales and use taxes may constitutionally be imposed on the sale of religious literature.

The Court distinguished the case before it from prior cases that involved flat license fees on religious *activity*, such as religious leafletting and itinerant preaching, which fees operated in essence as prior restraints. 493 U.S. at 389-90. Then, the Court reasoned that a generally applicable tax did not constitute a significant burden on the free exercise of religion:

[T]o the extent that imposition of a generally applicable tax merely decreases the amount of money appellant has to spend on its religious activities, any such burden is not constitutionally significant.

493 U.S. at 391. Accordingly, the Court did not even reach the question of whether the State's interest was sufficiently "compelling" to justify the burden.⁷

A similar result follows in this case. Accordingly, claims that the federal constitution requires that churches be entirely exempt from the fees are incorrect.

III. An Exemption Is Not Constitutionally Required by Sections 2 and 3

While the broad and majestic language of Article 1, sections 2 and 3, of the Indiana Constitution might suggest that a religious-property exemption is required, a review of the Constitution as a whole negates any such contention. The most compelling evidence that religious exemptions are not constitutionally compelled can be found in the constitutional text itself. Specifically, Article 10, Section 1, requires a "uniform and equal rate of property assessment and taxation," but provides that "The General Assembly *may* exempt from property taxation any property in any of the following classes: (1) Property being used for municipal, education, literary, scientific, religious or charitable purposes." (emphasis added). Thus, the one provision of our Constitution that expressly addresses religious exemptions from governmental exactions plainly states that such exemptions are authorized, but not required.⁸

⁷Because *Jimmy Swaggart* was decided under the pre-*Smith* "compelling interest" test, its vitality was in no manner affected by the Religious Freedom Restoration Act. See note 6, *supra*.

⁸Because decisions from other states that have been submitted to me rely on constitutional provisions that mandatorily exempt churches from particular types of taxes, provisions which have no counterpart in the Indiana Constitution, such cases are not determinative, or even particularly

Though the provision, by its terms, applies only to property taxes, *Miles v. Department of the Treasury*, 199 N.E. 372 (1935), its very existence shows that the framers knew that the general provisions in Article 1, sections 2 and 3 did not, of their own force, create a right to exemption from taxation or other governmental exactions. Moreover, as *Miles* holds, outside the area of property taxation “[t]he Legislature has full power to select one class for taxation to the exclusion of another, and to tax different classes at different rates.” *Miles*, 199 N.E. at 379. It would be an unwarranted breach of established principles of construction to read the more general provisions of Article 1, sections 2 and 3 as leading to a result directly contrary to Article 10, section 1. See *Welsh v. Sells*, 244 Ind. 423, 193 N.E.2d 359, 361 (1963) (Our Constitution must be construed as a whole).⁹

IV. The Federal Establishment Clause Does Not Forbid Differential Rates

It is unclear whether the Establishment Clause would prohibit exempting religious organizations from the fees entirely. The two key U.S. Supreme Court cases on the subject seem to point in opposite directions. Compare *Texas Monthly, Inc. v. Bullock*, 489 U.S. 1 (1989) with *Walz v. Tax Commission*, 397 U.S. 664 (1970). *Walz* held that a property tax exemption for religious property used solely for religious worship did not violate the Establishment Clause. *Texas Monthly* held that a sales tax exemption for religious periodicals did violate the Clause. As might be expected, there is some tension between the two cases. However, as noted above, the question of whether a total exemption is constitutionally permissible need not be addressed in light of the existing statutory bar to such exemptions.

The less ambitious step of granting limited rate relief for religious organizations is plainly permissible. Indeed, because there was no clear majority opinion in *Texas Monthly*,¹⁰ some courts facing similar issues continue to rely on *Walz* to approve outright exemptions. See *Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints v. Ada County*, 849 P.2d 83, 92-93 (Idaho 1993); *Bexar County Appraisal Review Board v. First Baptist Church*, 846 S.W.2d 554, 558-59 (Tex. App. 1993). Both *Presiding Bishop v. Ada County* and *Bexar County v. First*

relevant, to the issues at hand. Nor, for similar reasons, is the analysis significantly advanced by determining whether the storm water payments at issue here are “fees” or “taxes.”

⁹I do not mean to suggest that sections 2 and 3 provide no greater protection for religious liberty than does the federal constitution. The language of section 2, in particular, by referring to a right to “worship,” may well provide greater protection for religious *practices* than does the federal constitution, at least as unaided by the federal statute discussed in note 6, *supra*. I conclude only that the Constitution’s precise resolution of the question of religiously-based tax exemptions renders any contrary conclusion drawn from the more general language of those sections implausible.

¹⁰Compare 489 U.S. at 5 (plurality opinion of Brennan, J., joined by Marshall and Stevens, JJ.) with *id.* at 25 (opinion of White, J., concurring in the judgment) and *id.* at 26 (opinion of Blackmun, J., concurring in the judgment, joined by O’Connor, J.). As a result, *Texas Monthly* provides no clear guidance on the issue. See *Northern Indiana Public Service Co. v. Citizens Action Coalition*, 548 N.E.2d 153, 156 (Ind. 1989). *Texas Monthly* and *Walz* may someday be harmonized on the distinction between taxes touching on religious *activity* (e.g., evangelism carried out by distributing religious literature), and those imposed upon religiously held *property* (e.g., churches, parsonages, etc.), a distinction adverted to in *Jimmy Swaggart*. The author of this opinion will leave that task to some future Supreme Court Justice.

Baptist Church held that legislatively enacted property tax exemptions for churches were a valid means for government to limit its otherwise potentially destructive effects on religion. *Presiding Bishop v. Ada County* went so far as to state bluntly that "Statutory tax exemptions for religious organizations are not mandated by the Free Exercise Clause, nor prohibited by the Establishment Clause." 849 P.2d at 93 n.6 (citing *Texas Monthly*); accord *Preschool Owners Association v. Department of Children & Family Services*, 119 Ill. 2d 268, 518 N.E.2d 1018 (1988) (pre-*Bullock* case approving exemption from certain regulatory requirements for sectarian preschools).

While *Bullock* may render such blanket exemptions at least doubtful, as the Court noted in *Walz*, there is in the federal constitution "room for play in the joints productive of a benevolent neutrality which will permit religious exercise to exist without sponsorship and without interference." 397 U.S. at 669. Similarly, as Justice Blackmun noted in *Texas Monthly*, "the Judiciary must be wary of interpreting these . . . constitutional Clauses in a manner that negates the legislative role altogether." 489 U.S. at 28 (Blackmun, J., concurring); see also *Smith*, 494 U.S. at 890 (suggesting that religious practice exemption from certain drug laws was permissible, though not constitutionally required).

In a prior official opinion, a former holder of this office opined that "After considering [*Texas Monthly*] and [*Walz*], concerning clauses in the First Amendment to the United States Constitution (the Establishment Clause and the Free Exercise Clause) as made applicable to [S]tates by the Fourteenth Amendment, it is my opinion that all educational, literary, scientific, charitable and religious organizations should be treated the same. . ." 1989 Op. Atty. Gen. 9. Such a broad pronouncement went far beyond what was necessary to respond to the particular request at issue. The request pertained to the *procedures* to be followed in applying Ind. Code § 6-1-1-11, which, as a matter of *substance*, already accorded property tax exemptions to numerous nonreligious organizations. Thus, just like statements in a judicial opinion that are not necessary to decide the point in issue, such pronouncements may properly be regarded as nonbinding *dicta*. Moreover, the opinion, which was issued just two months after *Texas Monthly*, contains what can at best be described as a cursory and superficial analysis of that case, and of the issue generally. Accordingly, to the extent Opinion 1989-9 suggests that it is impermissible to accommodate the needs of religious organizations in any manner that is not extended to any and all educational, literary, scientific and charitable organizations, it is hereby disapproved.

Accordingly, I conclude that the federal constitution permits differential rates in order to accommodate the needs of religious organizations and that the decision of whether to create such rates is for the political process. In sum, there is sufficient "room for play in the joints productive of a benevolent neutrality which will permit religious exercise to exist without sponsorship and without interference." *Walz*, 397 U.S. at 669.

V. A Differential Rate Does Not Violate Section 6, or the "Consent Clause" of Section 4.

Article 1, sections 4 and 6 of the Indiana Constitution clearly bar direct government subsidies to religious organizations — the former by protecting citizens from being compelled to erect or support any place of worship against their consent, and the latter by imposing a direct restriction on drawing funds from the treasury to support religious organizations. Our Supreme Court has even suggested that violations of the latter restriction can lead to liability on the part of culpable government officials. *State ex rel. Johnson v. Boyd*, 217 Ind. 348, 28 N.E.2d 256, 263 (1940) ("any public official knowingly paying money from the public treasury in violation of these provisions would be required to reimburse said treasury for any amounts so paid.").

However, a mere differential rate on a government-imposed fee is not the constitutional equivalent of a direct subsidy. Such a differential rate represents the government's willingness to forgo a portion of its power to collect revenue in recognition of the inhibiting effect such power could have on its citizen's rights. A subsidy, on the other hand, is an affirmative redistribution of wealth — a taking of one person's property to build another's church, in direct contravention of the constitutional commands. The Indiana Constitution, in short, prevents the government from drawing money "from the treasury" to support a church, or from compelling citizens to attend or directly support one with their own funds. *Cf. Center Township v. Coe*, 572 N.E.2d 1350, 1358-60 (Ind. App. 1991) (Township trustee violated clause by paying relief funds to homeless shelters that required attendance at religious services as a condition of receiving benefits, but same conduct might not violate clause if organizations removed condition). The Constitution does not purport to prohibit the government from foregoing an exercise of its power to avoid harming religious organizations. In fact, Article 10, § 1 explicitly approves full exemptions from taxation — a more extreme example of the same kind of action.

VI. A Differential Rate Does Not Violate the "Preference Clause" of Section 4.

In addition to its protection against citizens being compelled to attend, erect or support a religious institution, section 4 also provides that "No preference shall be given, by law, to any creed, religious society, or mode of worship." While a first reading of this "preference clause" of section 4 might suggest that it, too, was designed to limit government support of religion, a reading of the debates surrounding its enactment makes plain that the purpose of the clause was to embody an antidiscrimination principle, forbidding preferences granted to one religious organization *over another*, rather than as a limit on aid to religion generally.

As originally proposed, this portion of the section would have read "No discrimination shall be made by law between religious societies, nor preference be given by law to any mode of worship." Debates at 964-65. Brief debate ensued that the word "between" was grammatically incorrect, unless there were only two religious societies, and substitution of the word "among" was suggested. *Id.* at 965. Instead, however, a proposal to use language from the old constitution was adopted, avoiding the grammatical brouhaha. *Id.*

At no point during this debate, however, was it suggested that use of the prior language would change the meaning of the clause from one of neutrality among religions to neutrality between religion and irreligion. Accordingly, nondiscriminatory rate relief for religious organizations does not violate the Indiana Constitution.¹¹

¹¹ Any such classification must, of course, satisfy the equal privileges clause of Article 1, section 23 of the Indiana Constitution. See *Collins, supra*. In order to pass muster under that section, a legislative classification must be "reasonably related to inherent characteristics which distinguish the unequally treated classes" and "the preferential treatment must be uniformly applicable and equally available to all persons similarly situated." The protections from government that the founders of both our State and Nation found necessary to throw around religious freedom themselves are evidence that religious organizations possess "inherent characteristics" which rationally distinguish them from others. Moreover, an exemption available to all such organizations would be "uniformly applicable and equally available" to all within the relevant classification. Accordingly, there should be no Article 1, § 23 barrier to a differential rate for religious organizations.

December 27, 1994

CONCLUSION

The history of our constitutions is one of protection of religious liberty, not the stifling of religious expression through rigid rules that prohibit the government from accommodating the peculiar needs of churches. Our Indiana Constitution, unlike its federal counterpart, explicitly recognizes the existence of God — both in its preamble, and in the first two sections of our Bill of Rights. Both constitutions wisely left the details of adjusting the complex relations of church and state to the people's legislative representatives in the first instance. At the state level, those representatives have admirably crafted a compromise that, while perhaps not perfect in every particular, is constitutionally permissible. I am confident that representatives at the local level can do the same. Therefore, in keeping with our constitutional history, as well as the text of our constitutions, I conclude that the appropriate legislative bodies may effect an appropriate accommodation through the political process.

Respectfully,



Pamela Carter

ATTORNEY GENERAL OF INDIANA

1995 City Utilities Budget
Stormwater

Recommended by:



Terry L. Atherton
Director of Utilities

Date: 1-19-95

Approved by Stormwater Management Board:



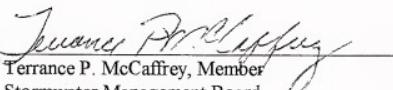
Linda Buskirk
Chairman, Stormwater Management Board

Date: 1/25/95



C. James Owen, Member
Stormwater Management Board

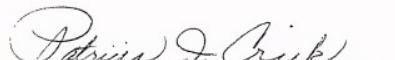
Date: 1/25/95



Terrance P. McCaffrey, Member
Stormwater Management Board

Date: 1/25/95

Attested by:



Patricia J. Crick, Clerk

Date: 1/25/95

Approved by:



Paul Helmke, Mayor

Date: 1/30/95

**COMBINED
CAPITAL BUDGETS
1995**

WATER:

WATER ENGINEERING	206,500
FILTRATION PLANT	726,000
WATER MAINTENANCE	553,000
ADMINISTRATIVE DEPARTMENTS @ 50%	<u>23,600</u>

TOTAL WATER	<u>1,509,100</u>
-------------	------------------

SEWER:

WPC ENGINEERING	1,076,600
WPC PLANT	3,785,800
WPC MAINTENANCE	47,500
ADMINISTRATIVE DEPARTMENTS @ 50%	<u>23,600</u>

TOTAL SEWER	<u>4,933,500</u>
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STORMWATER:

STORM WATER ENGINEERING	1,465,000
STORM WATER MAINTENANCE	<u>50,400</u>

TOTAL STORM WATER	<u>1,515,400</u>
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TOTAL GARAGE	<u>14,300</u>
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COMBINED TOTAL	<u>7,972,300</u>
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STORMWATER REVENUE PROJECTION
1995

1.80 RATE

15% ALL EXEMPT

RESIDENTIAL ERU'S 59,281 X 1.80 x 10 MO. 1,067,058

NON-RESIDENTIAL LESS EXEMPT
124,020 - 26,717 X 1.80 X 10 MO. 1,751,454

EXEMPT 26,717 X 1.80 X (1-.15) X 10 408,770

TWO MO. FLAT CHARGE
(206,674)+(2950X1.94)+(532X36.93) 464,086

3,691,368
LESS 5% FOR CREDITS ON NEW RATE 161,364

PROJECTED 1995 STORMWATER REVENUE 3,530,004

CITY OF FORT WAYNE
 STORMWATER
 STATEMENT OF INCOME
 PROFORMA STATEMENT

	1993 BUDGET	1993 ACTUAL	1994 PROJECTED	1994 BUDG
<u>UTILITY OPERATING INCOME</u>				
OPERATING REVENUES	\$2,600,000	\$2,563,087	\$2,403,132	
<u>OPERATING EXPENSES</u>				
OPERATION EXPENSE	695,740	580,313	664,776	
MAINTENANCE EXPENSE	1,167,104	3,034,028	1,102,054	
DEPRECIATION EXPENSE	0	0	0	
GROSS INCOME TAXES	0	0	0	
AMORTIZATION OF OTHER UTILITY PLANT	0	0	0	
TOTAL OPERATING EXPENSES	1,862,844	3,614,341	1,766,830	
OPERATING INCOME	737,156	(1,051,254)	636,302	
OTHER INCOME (1)	15,000	369,867	141,073	
OTHER DEDUCTIONS (2)	0	0	0	
NET INCOME	\$752,156	(681,387)	\$777,375	

CITY OF FORT WAYNE
STORMWATER UTILITY
STATEMENT OF CASH FLOW

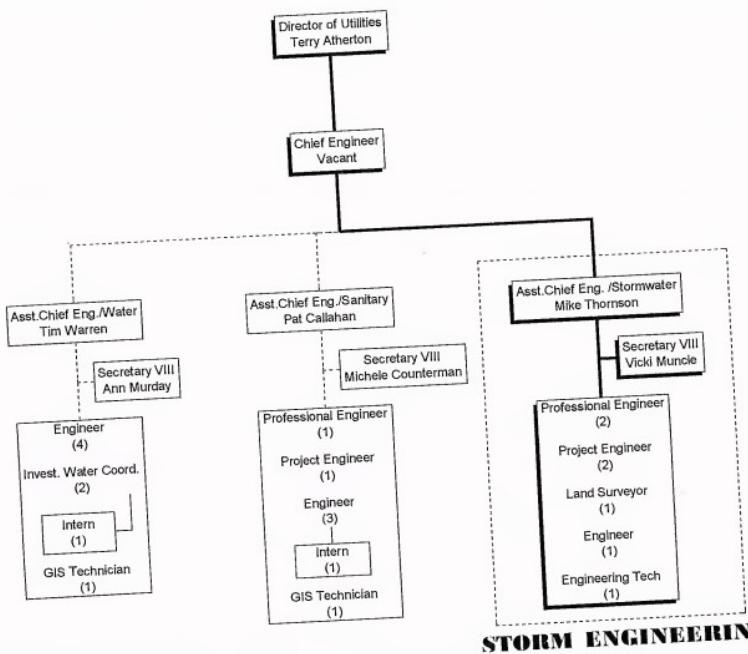
11-Jan-95

NET INCOME - 1995 BUDGET	\$1,400,886
DEPR ADD BACK	0
	1,400,886
PROJECTED CAPITAL BUDGET:	
STORMWATER ENGINEERING	1,465,000
STORMWATER MAINTENANCE	50,400
STORMWATER ADMINISTRATIVE	0
	1,515,400
NET CASH FLOW	<u>(\$114,514)</u>
CASH BALANCES:12/31/94	
UNRESTRICTED CASH	
OPERATING FUND	
TOTAL UNRESTRICTED CASH	<u>\$149,390</u>
ADJUSTMENTS TO 1994 CASH FLOW:	
EXPENSES UNDER BUDGET	<u>228,000</u>
TOTAL ADJUSTED CASH BALANCE 12/31/94	<u>377,390</u>
LESS CASH FLOW	<u>(114,514)</u>
CASH BALANCE: 12/31/95	<u>\$262,876</u>

**STORM WATER
CAPITAL BUDGET
1995**

STORM WATER ENG.		
Lower Huntington		500,000
Consultants		110,000
Contingency Drainage Work		100,000
Baldwin Ditch Ph. IV		35,000
Allendale Ph. II		45,000
Wayne Township ND #1		200,000
Farwood-Winter to Mercer		50,000
Concordia Gardens Ph. I		100,000
Reckeweg/Palatine		200,000
Inwood Drive - south of Lake		125,000
		<u>1,465,000</u>
STORM WATER MAINT.		
Misc. Installations		30,000
Equipment		2,400
Rolling Stock		18,000
		<u>50,400</u>
TOTAL STORM CAPITAL BUDGET		<u>1,515,400</u>

**CITY UTILITIES
STORMWATER ENGINEERING
ORGANIZATIONAL CHART**



CITY UTILITIES
STORMWATER ENGINEERING
LABOR ANALYSIS
FUND 515
540

15-Sep-94

1995

ADJUSTED BUDGET

POSITION	LABOR GRADE	LABOR UNION	NUMBER POSITION1	BUDGET 1994	NUMBER POSITIONS	BUDGET 1995	ACCOUNT	AMOUNT
ASST. CHIEF ENGR./DRAINAGE	16	—	1	\$39,733	1	\$43,214	4111	\$170.4-
PROJECT ENGINEER	14	2569	2	65,656	2	67,996	4121	22.0-
PROFESSIONAL ENGINEER	15	2569	2	68,988	2	68,262	4122	11.2-
ENGINEER	13	2569	0	0	1	32,384	4123	17.6-
SECRETARY VIII	8	2569	1	24,818	1	25,910 CAPITAL LABOR		74.9
LAND SURVEYOR	16	2569	1	34,494	1	35,614		
GIS CLERK	5	2569	1	18,876	0	0		
GIS TECHNICIAN	12	2569	1	29,814	0	0		
ENGINEERING TECH. 1	12	2569	0	0	1	23,083		
PARTTIME-SEASONAL				36,750		0		
TOTALS			9	\$319,329	9	\$296,443		\$296.4

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** CITY OF FORT WAYNE **
BUDGET PREPARATION FOR FISCAL YEAR 1995
EXPENSE BUDGET BY OBJECT

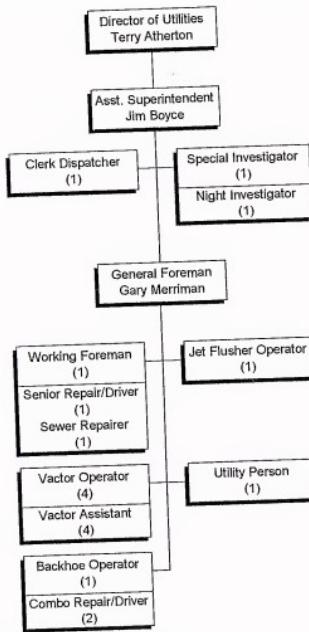
PAGE: 18
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FUND 515 STORM WATER SERVICE
AGENCY 540 STORM SEWER ENGINEERING

ORGN

OBJECT	ACCOUNT NAME	1993 EXP.	1994 EXP. TO 06/30/94	1994 APPROVED	1995 REQUESTED
PERSONAL SERVICES					
4111	SALARIES & WAGES	102,875	55,435	161,111	170,457
4115	PARTTIME, TEMP & SEASONAL	0	40	24,500	0
412A	COMPENSATION TIME	57	0	0	0
4121	VACATION PAY	16,378	6,843	20,277	22,059
4122	HOLIDAY PAY	7,673	2,282	10,706	11,271
4123	SIKK PAY	4,463	3,332	16,059	17,669
4124	OVERTIME PREMIUM	420	0	600	500
4126	EDUCATIONAL INCENTIVE	0	0	500	500
413A	PERF,EMPLOYEE PORTION	5,559	3,124	1,937	2,084
4131	PERF,EMPLOYEE PORTION	16,276	9,371	25,148	25,969
4132	FICA	13,688	8,899	23,296	22,742
4134	HEALTH & LIFE INSURANCE	24,150	15,750	31,500	30,333
4136	UNEMPLOYMENT COMPENSATION	115	152	152	148
4137	WORKERS COMPENSATION	738	1,163	2,326	2,557
4138	CLOTHING ALLOWANCE	0	0	500	500
TOTAL PERSONAL SERVICES		192,396	106,391		306,785
SUPPLIES & MATERIALS					
4212	STATIONERY & PRINTED FORMS	0	0	500	500
4213	COMPUTER SUPPLIES	109	0	0	1,000
4214	SAFETY SUPPLIES	0	0	0	0
4219	OTHER OFFICE SUPPLIES	78	205	0	500
4299	OTHER MATERIALS & SUPPLIES	29	4	150	150
TOTAL SUPPLIES & MATERIALS		216	209	650	2,150
OTHER SERVICES & CHARGES					
431J	TECHNICAL SERVICES	8,993	26,305	65,000	65,000
431K	SEMINAR FEES	765	284	1,000	1,400
431L	MEDICAL SERVICES	0	0	150	150
4314	CONSULTANT SERVICES	0	0	0	0
432A	TRANSPORTATIONAL SERVICES	0	0	0	0
4331	TRAVEL EXPENSES	168	3	1,000	1,000
4332	PRINTING OTHER THAN OFF SUPP	0	0	0	0
4333	BLEUPRINTING	697	1,020	2,800	2,800
4342	LIAIBILITY INSURANCE	0	0	0	0
4373	BLANKET BCND	0	0	0	0
4394	CONTRACTED SERVICES	0	0	0	0
4391	DUES & SUBSCRIPTIONS	135	70	150	150
4399	OTHER SERVICES & CHARGES	1,302	0	0	0
TOTAL OTHER SERVICES & CHARGES		12,061	27,684	70,100	70,500
540	*** TOTAL FOR AGENCY	204,674	134,284	389,362	379,439

CITY UTILITIES
STORMWATER MAINTENANCE
ORGANIZATIONAL CHART



CITY UTILITIES
STORMWATER MAINTENANCE
LABOR ANALYSIS
FUND 515
542

15-Sep-94

1995

ADJUSTED BUDGET

POSITION	LABOR GRADE	LABOR UNION	NUMBER POSITIONS	BUDGET 1994	NUMBER POSITIONS	BUDGET 1995	ACCOUNT	AMOUNT
ASST SUPERINTENDENT	14	-	1	\$41,048	1	\$42,526	4111	\$439,402
GENERAL FOREMAN	12	-	1	32,804	1	33,985	412B	500
SENIOR REPAIRER/TRK DRIVER	414	-	1	23,818	1	24,438	4121	34,353
COMBO REPAIRER/TRK DRIVER	414	-	2	46,664	2	47,978	4122	33,857
JET FLUSHER OPERATOR	414	-	1	24,840	1	25,488	4123	31,659
SEWER REPAIRER	414	-	1	23,081	1	23,682	CAPITAL LABOR	8,978
SPCL INVESTIGATOR	414	-	1	26,367	1	27,054		
VACTOR OPERATOR	414	-	4	99,360	4	101,950		
VACTOR ASSISTANT	414	-	4	93,828	4	96,268		
WORKING FOREMAN	414	-	1	26,196	1	26,876		
BACKHOE OPERATOR	414	-	1	25,180	1	25,834		
CLERK DISPATCHER	414	-	1	23,339	1	23,947		
UTILITY PERSON	414	-	1	24,162	1	24,791		
NIGHT INVESTIGATOR	414	-	1	23,420	1	24,032		
TOTALS			21	\$534,107	21	\$548,749		\$548,749

RUN DATE: 01/12/95
RUN TIME: 19:55:54

** CITY OF FORT WAYNE **
BUDGET PREPARATION FOR FISCAL YEAR 1995
EXPENSE BUDGET BY OBJECT

PAGE: 19
RPT ID: 8116

FUND 515 STORM WATER SERVICE
AGENCY 542 STORM SEWER MAINTENANCE

GRN

OBJECT	ACCOUNT NAME	1993 EXP.	1994 EXP.	1994	1995
			TO 06/30/94	APPROVED	REQUESTED
PERSONAL SERVICES					
4111	SALARIES & WAGES	406,100	161,773	371,849	439,4C2
4113	WAGES PAID-UNION BUSINESS, UN	11	38	0	1,5C0
4118	CALL IN TIME	1,594	1,009	1,2C0	1,5C0
4120	NON-CHARGEABLE PAID HOURS	261	268	1,000	1,5C0
4121	VACATION PAY	30,572	17,543	31,776	34,353
4122	HOLIDAY PAY	16,524	5,321	32,989	33,857
4123	SIKK PAY	15,024	11,948	30,656	31,659
4125	OVERTIME PREMIUM	16,917	6,252	12,000	12,000
4126	INCLEMENT WEATHER	0	4,682	0	0
413A	PERF.EMPLOYEE PORTION	11,675	7,517	16,023	16,462
4131	PERF.EMPLOYER PORTION	34,183	22,552	48,070	48,015
4132	FICA	28,947	18,632	41,946	42,897
4134	HEALTH & LIFE INSURANCE	73,313	36,750	73,500	73,5C0
4137	UNEMPLOYMENT COMPENSATION	250	267	267	274
4138	WORKERS COMPENSATION	22,971	12,675	25,351	47,692
4161	CLOTHING ALLOWANCE	2,778	3,383	14,400	14,4C0
4161	WAGE SETTLEMENTS/SEVERANCE PAY	113	0	0	4,2C0
TOTAL PERSONAL SERVICES		601,44C	310,610	701,067	800,711
SUPPLIES & MATERIALS					
4212	STATIONERY & PRINTED FORMS	0	0	500	500
4213	COMPUTER SUPPLIES	0	0	600	5C0
4214	SAFETY SUPPLIES	45	772	7,000	7,000
4216	OTHER OFFICE SUPPLIES	1,780	457	1,500	1,5C0
4221	PIPS/CASTINGS/FITTINGS, ETC	0	0	25,000	20,000
4231	GASOLINE	3,444	517	8,000	4,000
4232	DIESEL FUEL/FUEL OIL	6,967	5,587	10,000	10,000
4233	OIL	924	655	900	1,2C0
4234	TIRES	6,801	483	6,500	6,5C0
4239	OTHER GARAGE & MOTOR SUPPLIES	24,849	8,201	21,000	18,000
4243	MEDICAL SUPPLIES	0	0	600	300
4245	LANDSCAPING	0	0	2,100	2,1C0
4246	HOUSEHOLD & CLEANING SUPPLIES	327	300	1,000	1,2C0
4247	INSTRUCTIONAL SUPPLIES	0	0	2,000	1,000
4261	BLDG. REPR. & MAINT. MTLs.	0	0	1,000	1,000
4262	VEHICLE REPAIR PARTS	0	0	500	5C0
4263	OTHER EQUIP. REPAIR PARTS	5,428	2,269	7,000	8,000
4271	GRAVEL	3,676	0	10,000	18,000
4272	BITUMINOUS MATERIALS	10,260	0	300	500
4273	SAND	0	0	300	150
4274	SALT	0	0	200	150
4276	SEALING MATERIALS	371	0	2,000	5,000
4277	CEMENT, CONCRETE	0	385	15,000	20,000
4278	LUMBER	0	0	2,000	1,500
4291	SMALL TOOLS	0	0	1,500	1,5C0
4291	OTHER MATERIALS & SUPPLIES	121,889	8,461	15,000	15,000
TOTAL SUPPLIES & MATERIALS		186,766	28,086	141,700	136,35C
OTHER SERVICES & CHARGES					
4318	GARAGE OVERHEAD	3,060	1,530	3,060	3,060
431J	TECHNICAL SERVICES	0	0	500	500
431K	SEMINAR FEES	0	0	3,000	3,000
431C	RADIO SHOP SERVICES	0	12	2,000	2,000
431X	COMBINATION SERVICES	150,817	0	180,000	235,000
4312	MEDICAL SERVICES	7,979	203	9,000	6,5C0
4313	GARAGE SERVICES	33,140	9,914	25,000	25,000
4317	INSTRUCTIONAL SERVICES	0	0	5,000	5,000
					97

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** CITY OF FORT WAYNE **
BUDGET PREPARATION FOR FISCAL YEAR 1995
EXPENSE BUDGET BY OBJECT

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FUND 515 STORM WATER SERVICE
AGENCY 542 STORM SEWER MAINTENANCE

ORGN

OBJECT	ACCOUNT NAME	1993 EXP.	1994 EXP.	1994 APPROVED	1994 REQUESTED
			TO 06/30/94		
OTHER SERVICES & CHARGES					
4322 FREIGHT		0	0	400	200
4323 POSTAGE		0	0	300	200
4323 TELEPHONE		383	1,369	1,200	1,200
4324 TRAVEL EXPENSES		0	0	1,500	1,000
4331 PRINTING OTHER THAN OFF SUPP		0	0	300	300
4332 PUBLICATION OF LEGAL NOTICES		0	0	200	200
4333 BLUEPRINTING		0	0	1,000	750
4351 ELECTRICITY		5,991	2,503	7,200	9,500
4352 NATURAL GAS		2,922	3,078	5,800	7,500
4353 WATER		236	191	700	600
4354 SEWAGE		360	274	700	600
4355 SOLID WASTE DISPCSL		5,870	1,211	20,000	15,000
4356 HAZARDOUS WASTE CISPOSAL		0	0	500	200
4359 STORM SEWER		249	190	600	600
4363 CONTRACTED OTHER EQUIPMENT REPAIR		0	139	0	0
4364 CONTRACTED GRCUND REPAIRS		0	0	20,000	10,000
4362 JANITORIAL & LAUNDRY		2,372	2,879	7,300	7,300
4392 CONTRACTED SERVICES		268	399	2,500	3,000
4373 COMPUTER EQUIPMENT RENTAL		0	0	0	0
4374 OTHER EQUIPMENT RENTAL		0	0	500	1,000
4376 HYDRANT RENTAL		0	0	0	0
4391 SUBSCRIPTION & DUES		0	0	350	200
4399 OTHER SERVICES & CHARGES		9,850	3,025	3,000	3,000
TOTAL OTHER SERVICES & CHARGES		223,408	26,916	301,010	339,310
542 *** TOTAL FOR AGENCY		1,071,614	365,613	1,144,377	1,276,371

RUN DATE: 01/12/95
RUN TIME: 19:55:54

** CITY OF FORT WAYNE **
BUDGET PREPARATION FOR FISCAL YEAR 1995
EXPENSE BUDGET BY OBJECT

PAGE: 21
RPT ID: B116

FUND 515 STORM WATER SERVICE
AGENCY 543 STORM SEWER ADMINISTRATION

ORGN

OBJECT	ACCOUNT NAME	1993 EXP.	1994 EXP.	1994 APPROVED	1995 REQUESTED
			TO 06/30/94		
PERSONAL SERVICES					
411H	WPC MAINT WORK ORDER LABOR	0	0	0	0
411I	STCRM ENGIN WORK ORDER LABOR	56,933	53,067	71,274	74,987
411J	STCRM MAINT WORK ORDER LABOR	6,007	4,804	65,797	8,978
411T	TECH SERVICES WORK ORDER LABOR	0	0	0	0
4111	SALARIES & WAGES,REGULAR LABOR	12,944	1,126	0	0
4122	HOLIDAY PAY	200	0	0	0
4123	STICK PAY	10	0	0	0
4132	FICA - EMPLOYERS SHARE	77	0	0	0
TOTAL PERSONAL SERVICES		76,174	58,997	137,071	83,965
SUPPLIES & MATERIALS					
4212	STATIONERY & PRINTED FORMS	7	1,147	0	0
4213	COMPUTER SUPPLIES	0	544	0	0
4219	OTHER OFFICE SUPPLIES	642-	24	0	0
4248	CHEMICALS	0	0	0	0
4299	GTHER MATERIALS & SUPPLIES	73	730	0	0
TOTAL SUPPLIES & MATERIALS		561-	2,444	0	0
OTHER SERVICES & CHARGES					
431C	AUDIT FEES	3,700	3,750	6,000	6,000
431J	TECHNICAL SERVICES	82,693	51,517	0	0
431R	ADMIN SERVICES PCOL	0	0	0	0
4314	CONSULTANT SERVICES	900,947	435,200	703,000	110,000
4321	FREIGHT,EXPRESS & CRAYAGE	257	0	0	0
4332	PUBLICATION CF LEGAL NOTICES	649	41	0	0
4333	PHOTOGRAPHY & BLUEPRINTING	4,368	243	0	0
4342	LIABILITY INSURANCE	3,162	6,006	12,011	14,209
4343	CRIME INSURANCE	0	0	89	0
4345	AUTOMOBILE INSURANCE	4,874	1,623	3,707	2,465
4369	CONTRACTD SERVICES	15,760	0	0	0
4399	OTHER SERVICES & CHARGES	21,050	12,000	18,000	20,000
TOTAL OTHER SERVICES & CHARGES		1,037,467	510,380	742,807	152,674
CAPITAL OUTLAYS					
4423	CONSTRUCTION FEES-BLDGS & SCTRCT	267	0	0	0
4432	MATERIALS USED - CONSTRUCTION	65	0	0	0
4441	PURCHASE OF VEHICLES	0	0	0	18,000
4442	PURCHASE OF HEAVY EQUIPMENT	0	0	0	2,400
4444	PURCHASE OF OTHER EQUIPMENT	0	1,286	0	0
4445	PURCHASE OF COMPUTER EQUIP	0	20,466	0	0
4454	BETTERMENTS & ADDITIONS	795,790	13,345	751,000	1,385,000
TOTAL CAPITAL OUTLAYS		796,124	35,057	763,000	1,405,400
UTILITY TRANSFERS					
9111	SALARIES & WAGES	86,814	47,581	105,362	94,018
9239	UTILITY PENSIONS	148	119	40	260
9299	SUPPLIES	135,105	72,106	163,091	180,829
9311	LEGAL SERVICES	1,812	669	2,400	0
9323	TELEPHONE	0	0	0	0
9341	PROPERTY INSURANCE	2,780	2,703	5,061	5,864
9342	GENERAL LIABILITY	0	0	0	0

RUN DATE: 01/12/95
RUN TIME: 19:55:54

** CITY OF FORT WAYNE **
BUDGET PREPARATION FOR FISCAL YEAR 1995
EXPENSE BUDGET BY OBJECT

PAGE: 22
RPT ID: 8116

FUND 515 STORM WATER SERVICE
AGENCY 543 STORM SEWER ADMINISTRATION

ORGN

OBJECT	ACCOUNT NAME	1993 EXP.	1994 EXP. TO 06/30/94	1994 APPROVED	1995 REQUESTED
UTILITY TRANSFERS					
9399	OTHER SERVICES & CHARGES	102,362	50,833	102,500	159,723
TOTAL UTILITY TRANSFERS					
543	*** TOTAL FOR AGENCY	329,029	174,015	378,454	440,634
515	**** TOTAL FOR FUND	2,238,233	1,280,830	2,021,332	2,082,673
		3,514,522		3,555,071	3,738,483



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

MEMBER OF THE COMMON COUNCIL.

MEMORANDUM

TO: THE COMMON COUNCIL OF THE CITY OF FORT WAYNE

FROM: STANLEY A. LEVINE, LEGAL ADVISOR

RE: POSSIBLE AMENDMENTS TO G-94-07-21 (AS AMENDED) (AS AMENDED),
BEING AN ORDINANCE AMENDING CHAPTER 53: "STORMWATER
SERVICE", OF THE CITY OF FORT WAYNE CODE OF ORDINANCES

DATE: JANUARY 3, 1995

COUNCILMEN AND COUNCILWOMEN:

In Official Opinion 94-4, it is the conclusion of the Attorney General of the State of Indiana that rate relief may be provided to facilities that are primarily dedicated to religious worship in the form of favorable, differential stormwater rates and that such treatment by the Common Council of the City of Fort Wayne is neither constitutionally mandated nor prohibited.

She concludes, at page 5:

"As detailed below, present Indiana statutes do not allow a total exemption from paying any stormwater fees at all for *any* group, including churches. Nor are such wholesale exemptions constitutionally compelled. However, a reasonable accommodation in the form of favorable, differential rates for churches is permissible under the relevant statutes and the state and federal constitutions. The decision whether to enact such rates is wholly one of local legislative policy."

Sections I through III of her opinion discusses exemptions, although no organizations, including the representatives of the Associated Churches, have specifically requested an exemption from the stormwater fee. (Although Pastor Graham suggested a Florida case supports exemptions for churches.)

In Section IV of her opinion, Attorney General Carter discusses the 1989 opinion of the Attorney General Number 9 discussed by Mr. McCaulay, Corporation Counsel in his memorandum to Greg Purcell of October 4, 1994, which was circulated to you and characterized

Memorandum to the Common Council

January 3, 1995

"Stormwater Service"

the statements quoted by Mr. McCaulay as "non-binding dicta" and concluded "to the extent Opinion 1989-9 suggests that it is impermissible to accommodate the needs of religious organizations in any manner that is not extended to any and all educational, literary, scientific and charitable organizations, is hereby disapproved".

No attorney that has offered his or her opinion on the issues before you has concluded that the stormwater fee in question is a tax. As I mentioned in my letter of October 6, 1994 to the Attorney General's Office, which was likewise circulated to you, that the aforesaid 1989 Attorney General's opinion dealt only with the question of exemption of churches or religious institutions from a tangible property tax and did not deal with the specific question that is now before you as to whether or not a municipality can grant churches or religious institutions a different storm water rate more favorable than similarly-situated institutions. I do not agree that the 1989 Attorney General's opinion would specifically direct "that the Common Council has no authority to place religious institutions in a separate fee category" as Mr. McCaulay concluded in his memorandum.

While my viewpoint may somewhat differ from Mr. McCaulay as to the legal effect of the 1989 Attorney General's opinion upon the issues before you, I nonetheless, as stated in my letter of October 6, 1994, agree with Mr. McCaulay that any categorization of stormwater rates must pass the test of reasonableness.

The concern for reasonableness in this particular ordinance is not a consideration of some abstract legal principle, but arises from a concern that both Mr. McCaulay and I share, that the categorization of stormwater rates in question must be tested against the equal protection provisions of the 14th Amendment of the Constitution of the United States which prohibits any State from denying to any person within its jurisdiction the equal protection of the laws. Significantly, Attorney General Carter does not discuss these equal protection provisions.

While I agree with Attorney General Carter "that favorable, differential rates for churches would be permissible under the relevant statutes and the State and Federal Constitutions", in order to meet a test of reasonableness you should allow a differential rate not just for religious organizations but for "land and buildings used for educational, literary, scientific, religious or charitable offices and exempt from property taxation under I.C. 61-1.1-10-16" as Councilman Long has stated in his proposed amendment establishing a discount for such organizations.

While it might be legally permissible to create a differential rate for religious organizations alone, the method of differential rates contained in Councilman Long's proposed amendment I believe, would be more reasonable, and would not be violative of the Equal Protection Clause of the 14th Amendment of the Constitution of the United States.

However, I would note, not so parenthetically, that establishing a greater discount for land and buildings used for religious organizations than the discount for land used for educational,

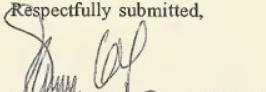
Memorandum to the Common Council

January 3, 1995

"Stormwater Service"

literary, scientific or charitable purposes, would not, in my opinion, meet a test of reasonableness and hence, to that extent, would violate the Equal Protection Clause of the 14th Amendment to the United States Constitution.

Respectfully submitted,


Stanley A. Levine
Legal Advisor to the Common Council
of the City of Fort Wayne

BEERS, MALLERS, BACKS & SALIN

ORWAS E. BEERS
GEORGE P. MALLERS
VINCENT J. BACKS
WILLIAM N. SALIN
STEPHEN W. ADAIR
ROBERT OWEN VEGELER
G. MICHAEL WISHERING
RICHARD E. BERNIS
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JAMES W. JACKSON
KENNETH W. MAXFIELD
OF COUNSEL

*ALSO ADMITTED TO PRACTICE IN NEW YORK.

October 4, 1994

Fort Wayne Councilpersons
c/o Clerk of the City
Sandra Kennedy

Dear Councilperson:

A good client of mine and friend of the community, Calvary Temple Church, has asked that I write you with respect to the proposed storm water service fee ordinance presently before you. I would appreciate it if you would give consideration to the following when making your final decision on the storm water service ordinance.

Let me preface my comments by saying that as an attorney for a municipal unit, I fully understand the problems that the City of Fort Wayne is facing with respect to its storm water system. Given the federal mandates and the combined septic/storm water sewer system that is found in certain parts of the city, finding a method to finance the needed upgrades is a difficult task.

Unfortunately, it appears that you have chosen to spread the burden based on a purely mathematical formula. While certain modifications to that formula appear to be allowed in the form of "credits", no adjustment seems to be made based on whether the property is being used for profit/not-for-profit or for religious or charitable purposes as compared to purely private purposes.

By its nature, the storm water fee is more truly a tax than a service fee. Generally speaking, a service fee contemplates some sort of voluntary receipt of the service. As drafted, there is no voluntary receipt of the service, it is a mandatory payment for merely residing within the city. Thus, it is more like a tax than a service fee and should be treated as a tax for the purposes of exemption.

BEERS, MALLERS, BACKS & SALIN

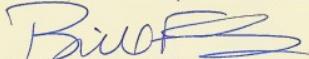
Fort Wayne Councilpersons
October 4, 1994
Page 2

The state has long recognized the distinctions between taxpayers such as mentioned above and allowed for exemptions from both property and income taxes in recognition of the service to the community provided by organizations which fall within the above descriptions. The reasoning behind the state exemptions is equally applicable in this case. I would strongly urge you to consider granting a storm water exemption to organizations which qualify under Title VI of the Indiana Code for exemption from property taxes.

The procedure to grant such exemptions would be relatively straightforward. If the entity claiming the exemption was qualified for a property tax exemption, they would automatically qualify for the storm sewer charge exemption. Absent that, no exemption would be available. I strongly encourage you to consider such an exemption at the time of the final adoption of this ordinance.

Very truly yours,

BEERS, MALLERS, BACKS & SALIN


G. William Fishering

GWF:lb

a:\gwf\council.ltr\lb



The Good Shepherd United Methodist Church

4700 VANCE AVENUE
FORT WAYNE, INDIANA 46815
Telephone: (219) 483-8816

Pastors: Rev. Ted Blosser, Rev. Kris McPherson

Dear Mr. GiaQuinta,

On behalf of the Administrative Council of Good Shepherd United Methodist Church we wish to express our deep concern over plans being considered entitled THE STORM WATER RUN OFF USER FEE. We recognize the need for taxes in the operation of city government and we are all involved, individually, with our share. However, we also embrace, in this country, a separation of church and state which, in part, identifies churches as tax exempt.

Good Shepherd is a growing church in this community with nearly 1,000 members. Our concern is not primarily the financial impact on this ministry. We see this proposal as a form of tax on churches and would urge you to abandon that element of the plan.

Sincerely,

Roger Summers
Lay Leader

Rev. Ted Blosser
Sr. Pastor



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

MEMBER OF THE COMMON COUNCIL

October 6, 1994

Ann Mullin, Esq.
Deputy Attorney General
Office of the Attorney General
State of Indiana
210 State House
Indianapolis, IN 46204
(317) 232-7979 (fax)

Dear Ann:

This letter will supplement my recent letter to you concerning the "Stormwater Fee Ordinance." I am attaching herewith a memo from J. Timothy McCaulay, Esq., Corporation Counsel regarding the "Stormwater Fee Ordinance." Although I have not as yet had the time to read all of the attachments to his memorandum, I would like to state at the outset that I agree with most of the conclusions that he has reached. Since neither the churches or any other charitable organizations are requesting to be exempt from the stormwater fee, the first two conclusions he reached are really not determinative of the issue that the Common Council of the City of Fort Wayne is now facing.

The fourth numbered question is probably the most significant one.

Mr. McCaulay has utilized the 1989 Indiana Attorney General Opinion No. 9, dealing with tax exemptions to support the proposition that the granting of churches or religious institutions a stormwater rate more favorable than similarly situated institutions would be unconstitutional.

While the Indiana Constitution permits property tax exemptions for municipal, educational, literary, scientific, religious or charitable institutions, the Miles case cited at page three of Mr. McCaulay's memo hold that Article 10, Section 1 of the Constitution of the State of Indiana applies only to property taxes under a general levy. In Miles, the Supreme Court of the State of Indiana held that Article 10, Section 1 of the Constitution of the State of Indiana did not apply to the gross income tax, which was the subject of that lawsuit, but only to property taxes.

page two

In answering his question #4, Mr. McCaulay concludes that the Common Council has no authority to place religious institutions in a separate fee category, relying on the aforesaid Attorney General's opinion, stating that a church or religious institution can be exempt from a tangible property tax without violating the establishment clause of the First Amendment of the United States Constitution, is made applicable by the Fourteenth Amendment of the United States Constitution to the States if: educational, literary, scientific, or charitable organizations are treated in the same manner.

The aforesaid Attorney General's opinion dealt only with the question of exemption of churches or religious institutions from tax, and not with the specific question that is now before you, dealing with whether or not a municipality can grant churches or religious institutions a different stormwater rate more favorable than similarly-situated institutions.

Assuming, arguendo, that the Supreme Court of the State of Indiana would reach the same conclusion as the Court of Appeals of Kentucky, that the stormwater charge in this instance is not a tax, since churches and synagogues of this City are not requesting an exemption from the stormwater charge, then there appears to be further support for my assertion that the Attorney General's opinion in question is not directly on point.

Mr. McCaulay's comments comparing the Fort Wayne Ordinance and the fees in the Sarasota, Florida case of June 24, 1994 appeared to delineate a reasonable factual distinction. At the very least, that Florida decision in no way, by my view, is so determinative that it would control your office analysis of the issues presented by this letter.

During a presentation before the Common Council of the City of Fort Wayne on October 4, 1994, Mr. McCaulay opined, and I agreed, that any categorization of stormwater rates must pass a test of "reasonableness." Thus, if the Common Council of the City of Fort Wayne would create a separate category for churches, synagogues, and schools sponsored by those organizations, without treating other charitable organizations by way of example, placing them in a similar category, such treatment would certainly be the subject of a possible challenge as to its "reasonableness." I would agree.

The prudent approach, of course, would be to follow Article 10, Sec. 1 of the Indiana Constitution and in the 1989 Indiana Attorney General's opinion, treat religious institutions the same as municipal, educational, literary, scientific, or charitable organizations, by creating a separate stormwater category for each of these similarly-situated non-commercial institutions.

If your office would conclude for purpose of this inquiry that the proposed stormwater fee is not a tax, and assume further that no religious institution or any other charitable institutions are requesting an exemption, nor is the Common Council of the City of Fort Wayne contemplating exempting religious institutions or other charitable institutions from the stormwater fee, then the two questions to be answered by your office are as follows:

- 1). Can the Common Council establish a different stormwater rate for religious institutions or other charitable organizations?

page three

- 2). Can the Common Council establish a separate stormwater rate for municipal, educational, literary, scientific, religious, or charitable institutions within the City of Fort Wayne?

You will note that Ordinance No. G-32-93 regarding stormwater service, within the City of Fort Wayne utilized flat rates, for the following types of properties:

- 1). Residential
- 2). Commercial
- 3). Industrial
- 4). Institutional, hospital, churches and schools
- 5). Miscellaneous and inter-departmental City
- 6). Miscellaneous - small facilities

In response to the mandate of the Common Council of the City of Fort Wayne, the present ordinance was developed to implement what is contemplated to be a more equitable rate structure based upon "equivalent resident units" (ERUs), equal to the average amount of impervious area of a single family residential property within the City, established at 2500 sq. ft. of measured impervious area. The 2500 square feet of measured impervious area of was established in lieu of measuring each and every residence within the City of Fort Wayne.

Under the rate scheme in this proposed ordinance, all non-residential properties will be assigned an ERU-multiple based on the measured impervious area (square feet) divided by 2500 square feet.

Your office has requested my opinion before rendering an opinion on this issue.

I find no legal reason why the City of Fort Wayne could not expand to more than two classifications or rate structures for stormwater within the City of Fort Wayne, which rates I would assume could be established as:

- 1). Residential
- 2). Non-residential - Municipal, educational, literary, scientific, religious, and charitable organizations
- 3). Non-residential - Industrial and commercial

page four

(Note: Whether the City of Fort Wayne could establish a rate for the second category with a fixed multiple of ERUs and utilizing measured impervious areas for the third category would be a matter of determination by the Common Council of the City of Fort Wayne and the City administration, and would not be the concern of your office or mine.)

I have suggested a category number 2, directly analogous to the permissive exemption of property taxes by the General Assembly to support the "reasonableness" of this second category. Limiting category number 2 to just religious and/or charitable organizations, while perhaps in my opinion legally permissible, would seem to be less "reasonable" than the broader category I have suggested, although only churches and synagogues have made a request for a separate rate.

I would agree with Mr. McCaulay's statement at our last Common Council meeting that the more categories of stormwater charges there are, the more subject the ordinance will be to challenge. I would also support his conclusion that each category established must pass the test of "reasonableness."

Although flat rates were used in the 1993 ordinance and ERUs are used in the 1994 ordinance that is now before the Common Council, the legal reasoning that permitted the City to establish residential and various categories of non-residential stormwater charges would appear to be the same.

On the 4th day of October 1994, the Common Council of the City of Fort Wayne deferred any further action on the pending stormwater ordinance, subject to receipt of your opinion from your office. I look forward to receiving said opinion at the earliest possible date.

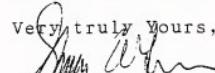
My summary is by no means intended to preclude your office from addressing all of the four questions raised in Mr. McCaulay's memorandum, which was delivered to the Common Council. Since, there is no request to exempt religious or any other charitable organizations, there is little need to address his questions number 2 and number 3.

I am sure you will have to address the question of whether your office believes that the proposed stormwater fee is in reality a tax, in order to answer the two questions that I have posed. I thank you for your kind attention to this request.

Again, we appreciate your considering this inquiry and please consider it to be supplementary and more specific than the question posed in my letter of September 27, 1994 to your office.

Please call me with any questions at (219) 422-7431.

Very truly yours,


Stanley A. Levine
Legal Advisor

c. c. Pam Carter

September 27, 1994

Ann Mullin, Esq.
Deputy Attorney General
State of Indiana
210 State House
Indianapolis, IN 46204
(317) 232-7979 (fax)

Dear Ms. Mullin:

Per our telephone call today, I am attaching a copy of G-94-07-21, entitled "An Ordinance amending Chapter 53: "Stormwater Service," of the City of Fort Wayne Code of Ordinances," which legislation is pending, and Ordinance G-32-93, which was passed last year.

I was instructed to inquire whether the State Attorney General believes in its rate structure the City can have a third category of billing for churches and synagogues that is less than the standard non-residential rate.

The City Council of Fort Wayne will consider this ordinance in its Committee Session on October 4, 1994 and it may be passed as early as October 11, 1994, so I would appreciate receiving your response as soon as possible.

Please call me with any questions at (219) 422-7431.

Very Truly Yours,

Stanley A. Levine
Legal Advisor

c. c. Pamela Carter, State Attorney General



THE ASSOCIATED CHURCHES OF FORT WAYNE AND ALLEN COUNTY, INC.

602 East Wayne Street, Fort Wayne, Indiana 46802
(Corner of East Wayne and Monroe Streets)
(219) 422-3528

October 4, 1994

Dear City Council Members,

Since our last discussion about the Storm Water Run-off Tax, the churches of the community have discovered the following information:

BOARD OF DIRECTORS

Sharon Banks
James Bledsoe
Arthur Brickman
George Caruso
Liz Dobynes
Carolyn Gorom
Lewis Griffin
Charles Hatten
Pearl Hearn
Paul Holsopple
Jane Hoylman
David Humphreys
Len Iaquinta
Bill Johnson
Dick Jones
Mei McFall
John McNaughton
Mike Nickleson
Jeannean Ralnes
E. H. Redmon
Jack Scott
Jack Stark
Jean Streicher
Robin Thomas
Deanna Wilkison
Timothy Williams

STAFF
Maxine Bandemer
Linda Elliott
Nick Elliot
Ellen Graham
Ed Pease

Storm Water Runoff User Fee.

Since the very first time that Dr. Bledsoe and I spoke to the City Council concerning the Storm Water Runoff User Fee, we maintained that it was a tax. We have again and again maintained that the State and Federal Constitutions exempted Churches from the payment of taxes as a part of the Freedom of Religious clause. Yet, as good neighbors under protest, we agreed to pay a flat fee as part of a temporary ordinance until the Constitutional issues could be resolved.

In our state as well as national research, just this past Friday we have found the latest court decision on User Fees and specifically the Storm Water User Fee Tax. On June 24, 1994 the Florida Appellate Court maintained that a special assessment for stormwater services is invalid as to religious organizations. They further maintained that "...if services are routinely allowed to become special assessments then potentially the exemption of churches from taxation will be largely illusory."

Therefore, based on the strength of this most recent Florida case we again ask the City Council to offer an amendment to the Final City Ordinance on Storm Water Runoff that would exempt the Churches/Synagogues, Church Schools, and any other religious agency or organization. Based upon our understanding of Indiana law as to which groups are exempt from payment of taxes, we also believe that many, if not all, of Fort Wayne's Not-for-Profit agencies have a legal right to exemptions. Yet, this is a matter for their Boards of Directors, Executive Directors, and legal representatives to examine.

We also believe that the total amount that has been billed to the churches of our community should be refunded for the entire 3 1/2 years of the assessment. This should be done be a lump sum check to each congregation, rather than as a credit to the utility bills. Thank you for your kindness in this matter.

Sincerely,

Vernon R. Graham
Executive Pastor

14 Religious Freedom Reporter**284**

rule and civil courts must defer to their judgments in those matters. Here, the court agreed with the appellate court that the Parish was congregational in nature and, therefore, capable of deciding whether to remain a part of the Church, and furthermore that the Parish had exclusive control over the disputed property. The supreme court affirmed the court of appeals decision.

Date of Opinion: July 6, 1994

Opinion by: Unknown

Attorneys:

For Plaintiff: John O. Mirick, Joan O. Vorster

For Defendant: Dale R. Harger

8-530

RELIGIOUS ORGANIZATIONS/MINISTRIES: TAXING POWER: PROPERTY/SALES TAX

Sarasota County v. Sarasota Church of Christ, Inc., ___ So. 2d ___, No. 93-01902, 1994 Fla. App. LEXIS 6168 (Fla. Dist. Ct. App. 1994).

Florida appeals court holds that a special assessment for stormwater services is invalid as to religious organizations.

The appellant, Sarasota County, challenged a final judgment in a class action suit that declared invalid, as to members of the class, the special assessments levied for the County's Stormwater Environmental Utility pursuant to Sarasota County Ordinance No. 89-117. The appellee, Sarasota Church of Christ, Inc., (Church), was a member of the class which consisted of religious organizations owning real property within Sarasota County which was used exclusively for religious purposes. The Church cross-appealed the same final judgment insofar as it validated special assessments levied by the County for fire and rescue services.

The Court of Appeal of Florida stated that the dispositive issues were whether churches should pay for fire and rescue services which are levied as special assessments, and whether they should be exempt from special assessments for stormwater management services. The court began its analysis by defining a special assessment and by stating the elements necessary for an assessment to be legal. Specifically, the court stated that churches are exempt from taxation but subject to payment of special assessments provided that the assessment is directly proportionate to the benefits enjoyed by the property. Using this standard, the court first examined the special assessment for fire and rescue services. Here, the court determined that since the churches had been paying this valid assessment for the past 20 years without protest they were estopped from contesting these payments. The court next addressed the assessment for stormwater management services. Here, the court found first that the churches had never before paid this assessment, and secondly, that the services benefited the community as a whole with no special or direct benefit to any particular landowner. For these reasons, the court determined that the stormwater management services did not meet the definition of a special assessment and, therefore, could not be levied as such against the churches. The court concluded its remarks by stating that if services are routinely allowed to become special assessments then potentially the exemption of churches from taxation will be largely illusory.

Date of Opinion: June 24, 1994

Opinion by: Per Curiam

Attorneys:

For Appellant: Richard E. Nelson, Richard L. Smith, Sarasota, Florida
For Appellee: Stephen F. Ellis, I.W. Whitesell, Jr., Sarasota, Florida

\4
Stormwater Utility Church ERU Analysis

1.	Abundant Life Church of God	2	\$13.18	\$ 3.88
2.	Acduth Vesholom Congregation	56	\$13.18	\$108.64
3.	Agape Christian Center	22	\$13.18	\$ 42.68
4.	Antioch Baptist Church	5	\$13.18	\$ 9.70
5.	Apostolic Jesus Name Church	5	\$13.18	\$ 9.70
6.	Assembly of God-State Street	10	\$13.18	\$ 19.40
7.	Avalon Missionary Church	21	\$13.18	\$ 40.74
8.	Aldersgate United Methodist	51	---	\$ 98.94
9.	Beacon Heights Brethren	18	\$13.18	\$ 34.92
10.	Bethany Presbyterian Church	8	\$ 5.49	\$ 15.52
11.	Bethel FWB Church	3	\$ 5.49	\$ 5.82
12.	Bethlehem Lutheran Church	38	\$ 5.49	\$ 73.72
13.	Bible Baptist Church	30	\$13.18	\$ 58.20
14.	Body of Christ SDA Church	2	\$13.18	\$ 3.88
15.	Broadway Christian Church	19	\$13.18	\$ 36.86
16.	Brookside Ev. Mennonite	57	\$13.18	\$110.58
17.	Bethany Lutheran Church	15	---	\$ 29.10
18.	Calvary Chapel	15	\$13.18	\$ 29.10
	Calvary Chapel	5	\$13.18	\$ 9.70
19.	Calvary Pentecostal Church	26	\$13.18	\$ 50.44
20.	Calvary Presbyterian Church	23	\$13.18	\$ 44.62
21.	Calvary Temple Church	175	\$13.18	\$339.50
22.	Calvary United Methodist Ch	39	\$13.18	\$ 75.66
23.	Canaan Baptist Church	5	\$13.18	\$ 9.70
24.	Catholic Diocese of Ft. Wayne	41	\$13.18	\$ 79.54
25.	Christ Methodist Church	18	\$13.18	\$ 34.92
26.	Christ Temple Church	4	\$13.18	\$ 7.76
27.	Christian Praise and Fellow	9	\$ 5.49	\$ 17.46
28.	Church of Christ-Chestnut St.	5	\$13.18	\$ 9.70
29.	Church of Christ-Leith St.	1	\$ 5.49	\$ 1.94
30.	Church of Christ-Thurber St.	9	\$13.18	\$ 17.46
31.	Church of Christ-Trick St.	8	\$ 5.49	\$ 15.52
32.	Church of God-Putnam	8	\$13.18	\$ 15.52
33.	Church of God-Third Street	3	\$ 5.49	\$ 5.82
34.	Church of God-Tillman	8	\$13.18	\$ 15.52
35.	Latter Day Saints	41	\$13.18	\$ 79.54
36.	Community Baptist Church	1	\$13.18	\$ 1.94
37.	Concordia Lutheran Church	59	\$ 5.49	\$114.46
38.	Cornerstone Christian Church	1	\$ 5.49	\$ 1.94
	Cornerstone Christian School	19	\$73.80	\$ 36.86
39.	Covenant Christian Center	8	\$ 5.49	\$ 15.52
40.	Crescent Avenue U. M.C.	16	\$13.18	\$ 31.04
41.	Crusaders Church of Ft. Wayne	2	\$ 5.49	\$ 3.88
42.	Dupree Temple Church of God	16	\$ 5.49	\$ 31.04
43.	Elmhurst Ch. of the Nazarene	8	\$13.18	\$ 15.52
44.	Emmanuel Baptist Church	3	\$13.18	\$ 5.82
45.	Emmaus Lutheran Church	51	\$13.18	\$ 98.94
46.	Epiphany Lutheran Church	26	\$13.18	\$ 50.44
47.	Epworth Forest U.M.C.	16	\$13.18	\$ 31.04
48.	Evangelical Christian Church	17	\$13.18	\$ 32.98
49.	Evangelical Mennonite Church	9	\$13.18	\$ 17.46

50.	Fairfield Ch. of Nazarene	30	\$13.18	\$ 58.20
51.	Fairhaven Mennonite Church	6	\$13.18	\$ 11.64
52.	Faith Lutheran Church	18	\$13.18	\$ 34.92
53.	Faith Baptist Church-Gay St.	6	\$ 5.49	\$ 11.64
54.	Faith U.M.C.	24	\$ 5.49	\$ 46.56
55.	Fellowship Missionary Church	75	\$13.18	\$145.50
56.	First Assembly of God	105	\$13.18	\$203.70
57.	First Baptist Church	29	\$13.18	\$ 56.26
58.	First Christian Church	24	\$13.18	\$ 46.56
59.	First Christian Union	40	\$ 1.94	\$ 77.60
60.	First Church of Christ	15	\$13.18	\$ 29.10
61.	First Nazarene Church	9	\$13.18	\$ 17.46
62.	First Mennonite Church	6	\$ 5.49	\$ 11.64
63.	First Methodist Church	23	\$13.18	\$ 44.62
64.	First Missionary Church	37	\$13.18	\$ 71.78
65.	First Missionary-South Wayne	7	\$26.36	\$ 13.58
66.	First Pentecostal Church	13	\$13.18	\$ 25.22
67.	First Presbyterian Church	66	\$36.93	\$128.04
68.	Forest Park U.M.C.	13	\$13.18	\$ 25.22
69.	Free Methodist Church	14	\$13.18	\$ 27.16
70.	Friendship Baptist Church	3	\$13.18	\$ 5.82
71.	Fort Wayne Friends	7	\$13.18	\$ 13.58
72.	Fort Wayne Gospel Temple	2	\$ 1.94	\$ 3.88
73.	Fort Wayne Primitive B.C.	1	\$ 5.49	\$ 1.94
74.	Fort Wayne Spiritual Science	1	\$13.18	\$ 1.94
75.	Faith and Healing	1	---	\$ 1.94
76.	Fort Wayne Baptist Temple	30	\$13.18	\$ 58.20
77.	Gethsemane Lutheran Ch.	34	\$13.18	\$ 65.96
78.	Glenwood Ch. of Christ	16	\$13.18	\$ 31.04
79.	Good Hope Baptist Church	6	\$13.18	\$ 11.64
80.	Good Shepherd U.M.C.	45	\$13.18	\$ 87.30
	Good Shepherd U.M.C.	2	\$ 1.94	\$ 3.88
81.	Gospel Lighthouse	2	\$13.18	\$ 3.88
82.	Grace Lutheran Church	13	\$13.18	\$ 25.22
83.	Grace/St. John's	12	\$13.18	\$ 23.28
84.	Grace Temple Church	1	\$ 1.94	\$ 1.94
85.	Greater Mt. Eria Church	28	\$13.18	\$ 54.32
86.	Greater New Hope	1	---	\$ 1.94
87.	Grace Brethren Church	10	\$13.18	\$ 19.40
88.	Harvester Missionary Church	21	\$13.18	\$ 40.74
89.	Harvester Word of Life	7	\$13.18	\$ 13.58
90.	Higher Ground Ministries	1	---	\$ 1.94
91.	Highland Bethel Church	8	\$13.18	\$ 15.52
92.	Holy Ascension Ukrainian	2	\$ 5.49	\$ 3.88
93.	Holy Cross Lutheran	99	\$13.18	\$192.06
94.	Holy Scripture Lutheran	2	---	\$ 3.88
95.	Holy Trinity Church	15	\$13.18	\$ 29.10
96.	Holy Trinity-Smith Street	1	\$ 5.49	\$ 1.94
97.	House of God-Wayne	3	\$ 5.49	\$ 5.82
98.	House of the Holy Spirit	11	\$13.18	\$ 21.34
99.	Immanuel Baptist Church	34	\$13.18	\$ 65.96
100.	Islamic Center	1	---	\$ 1.94
101.	Jehovahs Witness-Abbott	19	\$13.18	\$ 36.86
102.	Jerusalem Baptist Church	6	\$13.18	\$ 11.64

103. Jesus Name Church	16	\$ 5.49	\$ 31.04
104. Kingdom Hall Church	4	\$ 1.94	\$ 7.76
105. King's Chapel Assembly	10	\$13.18	\$ 19.40
106. Koinonia Christian Center	42	\$13.18	\$ 81.48
107. Lake Avenue Nazarene	49	\$13.18	\$ 95.06
108. Living Epistles Apostolic	3	\$13.18	\$ 5.82
109. Local Christian Church	13	\$13.18	\$ 25.22
110. Lutheran Church Offices	12	\$36.93	\$ 23.28
111. Lutheran Ch.-Our Saviors	9	\$ 5.49	\$ 17.46
112. Maplewood Mennonite Church	22	\$13.18	\$ 42.68
113. Matthew 25 Health Clinic	4	\$13.18	\$ 7.76
114. McKee Street Church of God	5	\$13.18	\$ 9.70
115. Memorial Baptist Church	13	\$13.18	\$ 25.22
116. Messiah Lutheran	13	\$36.93	\$ 25.22
117. Missionary Church Offices	6	\$ 1.94	\$ 11.64
118. Mt. Calvary Lutheran	19	\$13.18	\$ 36.86
119. Mt. Olive Baptist Church	1	\$13.18	\$ 1.94
120. Mt. Sinai Baptist Church	3	\$13.18	\$ 5.82
121. Mt. Calvary Baptist Church	6	\$13.18	\$ 11.64
122. New Haven Missionary Church	5	\$ 5.49	\$ 9.70
123. New Hope Church	2	\$13.18	\$ 3.88
124. New Life Christian Center	6	\$13.18	\$ 11.64
125. Northridge Baptist Church	13	\$13.18	\$ 25.22
126. Northside Missionary Church	13	\$ 5.49	\$ 25.22
127. Oakridge Temple	7	\$13.18	\$ 13.58
128. Our Mother of Perpetual Hope	2	\$13.18	\$ 3.88
129. Park Forest Church of God	17	\$13.18	\$ 32.98
130. Parkwood Church of God	16	\$13.18	\$ 31.04
131. Peace Lutheran Church	29	\$13.18	\$ 56.26
Peace Lutheran-Crestway	1	\$ 1.94	\$ 1.94
132. Pentecostal Church of God	1	\$ 5.49	\$ 1.94
133. Pilgrim Baptist Church	16	\$ 5.49	\$ 31.04
134. Plymouth COngregational Ch	10	\$13.18	\$ 19.40
135. Precious Blood Church	43	\$13.18	\$ 83.42
136. Progressive Baptist Church	15	\$13.18	\$ 29.10
137. Providence Baptist Church	4	\$ 5.49	\$ 7.76
138. Queen of Angels Catholic	43	\$13.18	\$ 83.42
139. Redeemer Lutheran Church	17	\$13.18	\$ 32.98
140. Reorganized Church L.D.S.	16	\$13.18	\$ 31.04
141. Resurrection Lutheran	20	\$13.18	\$ 38.80
142. Sacred Heart Catholic	46	\$13.18	\$ 89.24
143. Salem U.C.C.	30	\$13.18	\$ 58.20
144. Sandpoint Jehovah Witness	20	\$13.18	\$ 38.80
145. Shepherd of the City-Luth.	16	\$13.18	\$ 31.04
146. Shiloh Baptist Church	22	\$ 5.49	\$ 42.68
147. Simpson U.M.C.	46	\$13.18	\$ 89.24
148. Society of St. Pius	17	\$13.18	\$ 32.98
149. South Side Church of God	4	\$13.18	\$ 7.76
150. South Wayne Baptist Church	10	\$13.18	\$ 19.40
151. South Wayne U.M.C.	8	\$ 1.94	\$ 15.52
152. Spiritual Israel-Douglas	2	\$13.18	\$ 3.88
153. Spiritual Israel-Fairfax	5	\$13.18	\$ 9.70
154. Spiritual Church-Divine	3	\$13.18	\$ 5.82
155. Spring Street Wesleyan	4	\$13.18	\$ 7.76

	Spring Street Wesleyan	5	\$13.18	\$ 9.70
156.	SS Nazarene	19	\$13.18	\$ 36.86
(157)	St. Andrew's Catholic	22	\$13.18	\$ 42.68
	St. Andrew's Soup Kitchen	3	\$ 1.94	\$ 5.82
158.	St. Hyacinth's Catholic	18	\$13.18	\$ 34.92
(159)	St. John's Orthodox	5	\$13.18	\$ 9.70
160.	St. John's Baptist-Hanna	18	\$13.18	\$ 34.92
161.	St. John's CME Church	1	\$ 5.49	\$ 1.94
(162)	St. John the Baptist Cath.	36	\$ 1.94	\$ 69.84
(163)	St. John's Lutheran Church	11	\$ 5.49	\$ 21.34
	St. John's Lutheran Church	14	\$36.93	\$ 27.16
	St. Johns' Lutheran Cemet.	21	\$ ---	\$ 40.74
164.	St. Jude's Catholic	50	\$ 5.49	\$ 97.00
(165)	St. Luke's Lutheran	11	\$13.18	\$ 21.34
166.	St. Mary's Catholic	18	\$13.18	\$ 34.92
(167)	St. Matthew's Lutheran	30	\$ 1.94	\$ 58.20
168.	St. Michael's Lutheran	34	\$13.18	\$ 65.96
169.	St. Nicholas Church	31	\$13.18	\$ 60.14
170.	St. Patrick's Catholic	36	\$13.18	\$ 69.84
(171)	St. Paul's Catholic	14	\$13.18	\$ 27.16
(172)	St. Paul's U.M.C.	12	\$13.18	\$ 23.28
173.	St. Paul's Lutheran	18	\$13.18	\$ 34.92
174.	St. Peter's Catholic	25	\$13.18	\$ 48.50
175.	St. Therese Catholic	31	\$13.18	\$ 60.14
176.	St. Volodymir Ukr	1	\$ 5.49	\$ 1.94
(177)	Star of Bethel Church	3	\$13.18	\$ 5.82
178.	State Street Baptist	1	\$ 5.49	\$ 1.94
179.	Statewood Baptist	18	\$13.18	\$ 34.92
(180)	South Baptist Church	14	\$ ---	\$ 27.16
(181)	St. Joseph's U.M.C.	49	\$ ---	\$ 95.06
182.	Tabernacle Baptist	3	\$ 5.49	\$ 5.82
(183)	Taylor University	3	\$13.18	\$ 5.82
(184)	Templo El Refugio	2	\$13.18	\$ 3.88
185.	Third Presbyterian Ch.	13	\$ 5.49	\$ 25.22
(186)	Tree of Life Baptist	1	\$ ---	\$ 1.94
187.	Trier Ridge Church	24	\$13.18	\$ 46.56
188.	Trinity Baptist Church	4	\$ 5.49	\$ 7.76
189.	Trinity Nazarene-Stellhorn	30	\$13.18	\$ 58.20
(190)	Trinity Episcopal Church	10	\$13.18	\$ 19.40
	Trinity Episcopal Church	13	\$ ---	\$ 25.22
191.	Trinity Ev. Lutheran-Decatur	31	\$13.18	\$ 60.14
(192)	Trinity U.M.C.	12	\$13.18	\$ 23.28
193.	True Love Baptist Church	20	\$13.18	\$ 38.80
(194)	Turner Chapel A.M.E.	4	\$13.18	\$ 7.76
(195)	Union Baptist Church	9	\$13.18	\$ 17.46
(196)	Unitarian Congregation	16	\$13.18	\$ 31.04
(197)	United Brethren Parsonage	6	\$13.18	\$ 11.64
(198)	United For Christ Christian	1	\$13.18	\$ 1.94
(199)	Vineyard South	9	\$13.18	\$ 17.46
200.	Vineyard North	53	\$13.18	\$103.82
(201)	W.I.N. Ministries	3	\$13.18	\$ 5.82
(202)	Warsaw St. Baptist Church	5	\$13.18	\$ 9.70
(203)	Waynedale Community Ch.	4	\$13.18	\$ 7.76
204.	Waynedale U.M.C.	40	\$13.18	\$ 77.60

(205)	West Creighton Christian	13	\$13.18	\$ 25.22
(206)	West Main Nazarene	2	\$13.18	\$ 3.88
(207)	West Presbyterian Church	18	\$13.18	\$ 34.92
(208)	Westfield Presbyterian Ch	9	\$13.18	\$ 17.46
(209)	Winchester Road Baptist	6	\$13.18	\$ 11.64
(210)	Wings of Deliverance	4	\$13.18	\$ 7.76
(211)	Woodview Church of God	8	---	\$ 15.52
212.	Tabernacle Assembly	3	\$ 5.49	\$ 5.82

Newly Added Churches:

213.	Fort Wayne Baptist Temple	30	\$13.18	\$ 58.20
214.	St. Joseph's U.M.C.	47	\$13.18	\$ 95.06
215.	Greater Spirit of Love	5	\$ 5.49	\$ 9.70
(216.)	Church of God-Prophecy	9	\$13.18	\$ 17.46
(217.)	El Lirion De Los Vzles	1	\$13.18	\$ 1.94
(218.)	Unity Church of Ft. Wayne	3	\$13.18	\$ 5.82

MEMORANDUM

To: Greg Purcell
From: J. Timothy McCaulay, Corporation Counsel *JTM*
Date: October 4, 1994
Re: Stormwater Fee Ordinance

You have requested a legal opinion concerning several issues raised with respect to pending stormwater fee ordinance. In particular, the questions are:

1. Is the proposed "fee," in reality, a tax?
2. Are religious institutions, or other charitable organizations, exempt from the "fee"?
3. Can the Common Council exempt religious institutions, or other charitable organizations, from the "fee"?
4. Can the Common Council place religious institutions, or other charitable organizations, in a separate category with a different fee than similarly situated commercial institutions?

A. The Proposed Stormwater "Fee" Is Not A Tax

Recently, the Indiana Court of Appeals explained the distinction between a "user fee" and a "tax":

A tax is compulsory and not optional; it entitles the taxpayer to receive nothing in return other than the rights of government which are enjoyed by all citizens. . . . On the other hand, a user fee is optional and represents a specific charge for the use of publicly-owned or publicly provided facilities or services.

Ace Rent-A-Car v. Airport Authority (1993), Ind. App., 612 N.E. 2d 1104, 1108 (citations omitted).

No Indiana Court has yet ruled on whether or not a stormwater drainage fee based upon the amount of impervious surface is a "tax." However, courts in Kentucky, Colorado, and Washington have ruled that such "fees" are not taxes. See Long Run Baptist Ass'n v. Sewer District (1989), Ky. App., 775 S.W. 2d 520; Zelinger v. City And County of Denver (1986), Colo., 724 P. 2d 1356; Teter v.

Clark County (1985), Wash., 704 P. 2d 1171. (Copies of these cases are attached.). These decisions certainly suggest that an Indiana court would reach the same result. After all, the Kentucky court used almost the same differentiation between a "user fee" and a "tax" as used by the Indiana court in Ace when the Kentucky court noted: "A tax is universally defined as an enforced contribution to provide for the support of government, whereas a fee is a charge for a particular service." Long Run Baptist Ass'n, 775 S.W. 2d at 522.

Moreover, some of the same arguments being made in opposition to the proposed Fort Wayne stormwater drainage fee were considered and rejected in Long Run Baptist Ass'n, *supra*. For example, the court in Long Run Baptist Ass'n considered and rejected a claim that some property owners would receive no benefit from the drainage plan because either they have constructed their own system or the stormwater run off from their property drains directly into a river, noting:

'We think that in the case of a surface drainage improvement area, any property that is part of the watershed or drainage basin may properly be considered to be benefitted by the project through the general improvement of conditions of health, comfort and convenience in the area and the resulting general enhancement of values in the area.'

Long Run Baptist Ass'n, 775 S.W. 2d at 522 (quoting Curtis v. Louisville and Jefferson County Metropolitan Sewer District (1958), Ky., 311 S.W. 2d 378, 382. The Long Run Baptist Ass'n court also rejected a challenge to the rate structure. The Sewer District rate structure was based on the "ESU" (Equivalent Service Unit) approach assessing a flat rate for residential property and assessing the same rate for each 2,500 square feet of impervious surface for non-residential property. 775 S.W. 2d at 523. The Long Run Baptist Ass'n court found such a rate structure "a reasonable and rational classification." Id. Finally, it should be noted that the opponents to the stormwater drainage fee did not even appeal the trial court determination no religious organization was constitutionally exempt from the payment of the fees. Id. at 521 ("Furthermore, the court determined that appellant Long Run Baptist Association, Inc., had no constitutional exemption from the payment of such charges.").

Furthermore, the Indiana General Assembly has expressly authorized the assessment and collection of "user fees from all of the property of the storm water district for the operation and

maintenance of the storm water system. See I.C. 8-1.5-5-7(b). So long as the revenues received from the "fees" are used for the operation and maintenance of the storm water system, the "fee" is clearly a user fee and not a "tax." In fact, the only "taxes" a stormwater district can impose are "special benefit taxes" to pay for any bonds issued "to pay for the required property and the acquisition, erection, and construction of the proposed work." See I.C. 8-1.5-5-21 and I.C. 8-1.5-5-22. It is only these "special benefit taxes" that are to be "collected and enforced in the same manner as state and county taxes are estimated, entered, and enforced." I.C. 8-1.5-5-22(a)(2).

Thus, under Indiana law, the proposed "fee" is a "user fee" and not a tax.

B. Religious Institutions and Other Charitable Organizations Are Not Exempt From the Fee

Considerable confusion exists as to the source of any exemption for religious institutions from state and local property taxes. However, the source of these exemptions is not the U. S. Constitution, but the various state constitutions. Moreover, in Indiana, at least, the exemption is permissive, not mandatory. See Ind. Const., Art. 10, Sec. 1 (Indiana General Assembly may exempt from property taxation property being used for municipal, educational, literary, scientific, religious or charitable purposes.). Furthermore, this constitutional provision has been interpreted to apply only to property taxes under a general levy. See Miles v. Department of Treas. (1935), 209 Ind. 172, 199 N.E. 372. See also 1989 Ind. O.A.G. No. 9. As the Indiana Attorney General has explained: "The [General Assembly] must enact legislation for property to be tax exempt from property taxation." 1989 Ind. O.A.G. No. 9 (A copy of this Attorney General Opinion is attached.).

Admittedly, one Florida court has held that churches and religious institutions are exempt, under Florida law, from a stormwater fee that a Florida community switched from a tax base to a special assessment base. See Sarasota County v. Sarasota Church of Christ (June 24, 1994), Fla. App., 1994 WL 278128. (A copy of the decision is attached; however, it should be noted that the opinion is not a final decision and is still subject to revision or withdrawal.). However, it should be noted that Florida has a very narrow definition of "special assessment" that is not as broad as the Indiana definition of "user fee." Moreover, the revenue from the assessment raised twice as much money as needed to maintain and operate the stormwater system. Finally, there was

no indication that the "special assessment" was authorized by Florida law. Thus, this case has little application to interpreting Indiana law.

The Indiana General Assembly has not enacted any legislation exempting any property owner from the stormwater user fees authorized by I.C. 8-1.5-5-7(b). Therefore, no one is entitled to any exemption.

C. The Common Council Cannot Exempt Religious Institutions, Or Other Charitable Organizations from the "Fee"

Article 10, Sec. 1 of the Indiana Constitution makes it clear that only the Indiana General Assembly may exempt municipal, educational, literary, scientific, religious or charitable organizations from a "tax." Therefore, even if the user fee were a "tax," it is the General Assembly that must grant the exemption. As the General Assembly has not exempted any property owner from the user fee, the Common Council cannot make any exemptions either. Moreover, the only exemptions the Common Council could recognize would be those exemptions authorized by state law.

D. The Common Council Cannot Treat Religious Institutions Differently From Other Similarly Situated Property Owners

The Common Council has no authority to place religious institutions in a separate fee category. In fact, the Indiana Attorney General has previously opined that "a church or religious institution may be exempted from tax without violating the Establishment Clause of the First Amendment of the United States Constitution as made applicable by the Fourteenth Amendment of the United States Constitution to the States if educational, literary, scientific or charitable organizations are treated the same." 1989 Ind. O.A.G. No. 9 (emphasis added). Therefore, if anything is unconstitutional under the U.S. Constitution, it would be the granting of churches or religious institutions a rate more favorable than similarly-situated institutions.

Conclusion

1. Under Indiana law, the proposed stormwater drainage fee is not a "tax."
2. Churches and religious institutions are exempted from the payment of state and local taxes based not on the U. S. Constitution, but based on state constitutions.

3. The Indiana Constitution permits, but does not require, the Indiana General Assembly to exempt churches and similar organizations from certain property taxes.
4. The Indiana General Assembly has not exempted churches and religious organizations from the payment of stormwater drainage fees established pursuant to I.C. 8-1.5-5-7(b).
5. The Common Council cannot exempt organizations from the payment of the stormwater drainage user fee not exempted under state law.
6. It would violate the Establishment Clause of the First Amendment to provide churches and religious organizations a rate more favorable than other similarly-situated organizations.

Any application for reinstatement shall be governed by SCR 8.520 or any subsequent amendment thereto. The costs of the investigation initiated by the Inquiry Tribunal and all other disciplinary proceedings shall be paid by Martin in accordance with SCR 3.620(1) and SCR 3.480(3) and the investigation and disciplinary proceedings shall be terminated. Martin shall comply with the provisions of SCR 8.890 regarding notice to all courts in which he has matters pending. He shall also notify all clients in writing of his inability to continue to represent them and shall furnish photostated copies of the letters of notice to the Director of the Kentucky Bar Association.

All concur.



LONG RUN BAPTIST ASSOCIATION, INC.; Ceber C. Blaire; Jefferson County Farm Bureau, Inc.; and Carl Dreishbach, Inc., Appellants,

LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT; Comprehensive Storm Water Draining Authority; City of Louisville, Kentucky; Board of Aldermen of the City of Louisville; Jefferson County, Kentucky; and Fiscal Court of Jefferson County, Kentucky, Appellees.

No. 88-CA-1242-MR.

Court of Appeals of Kentucky.

June 23, 1989.

Case Ordered Published by
Court of Appeals Aug. 18, 1989.

Property owners filed declaratory judgment action challenging service charge imposed to form storm water drainage program. The Jefferson Circuit Court, Olga S. Peers, J., entered summary judgment

for municipality, county, and metropolitan sewer district, and property owners appealed. The Court of Appeals, Gudgel, J., held that: (1) summary judgment was warranted; (2) service charge was not a tax; and (3) service charge was not invalid for lack of uniformity.

Affirmed.

1. Judgment #=185.3(20)

Municipality was properly accorded summary judgment in suit brought by user of municipal storm water drainage system to challenge special charge imposed by municipality; municipality had satisfied burden of establishing there were no material issues of fact by showing that single issue was whether charge was a tax.

2. Drains #=68

Storm water drainage fees were valid charge for particular service, and not a tax involving an enforced contribution to provide for support of government. KRS 76-090.

3. Drains #=69

Special service charge for flood and storm water drainage services did not violate state and State Constitution by being nonuniform, when commercial property was charged \$1.75 per 2,500 square feet of impervious surface and residential property was charged flat \$1.75. KRS 76.090, 76-090(1)(d), (2); Const. § 3.

Gary L. Napier, Louisville, for appellants.

Laurence J. Zielke, Lawrence L. Pedley, Michael W. Lowe, Frank G. Simpson, III, Louisville, for Louisville and Jefferson County Metropolitan Sewer Dist., and Comprehensive Storm Water Draining Authority.

James K. McCorrey, N. Scott Lilly, Louisville, for Fiscal Court of Jefferson County, Ky.

Winston E. King, J. David Morris, Louisville, for City of Louisville.

LONG RUN BAPTIST ASSN v. SEWER D.
Cite as Ky.App. 776 S.W.2d 320

Before GUDGEL, LESTER and
WILHOIT, JJ.

GUDGEL, Judge:

This is an appeal from a judgment entered by the Jefferson Circuit Court. Appellants contend that the court erred by granting a summary judgment, by adjudging that a certain drainage charge collected by appellees is not a tax, by adjudging that the charge does not violate KRS 76.090 and by failing to certify this action as a class action. We disagree with all of appellants' contentions. Hence, we affirm.

On October 6, 1987, appellants filed a declaratory judgment action challenging the constitutionality of a "service charge" imposed to fund the storm water drainage program developed by Louisville and Jefferson County Metropolitan Sewer District (MSD) in cooperation with the city of Louisville and Jefferson County. The charge, which was implemented on January 1, 1987, is \$1.75 per month for single and two family residences and \$1.75 per 2,500 square feet of impervious surface for commercial and industrial property.

The comprehensive county-wide drainage program was the culmination of several years of public hearings, enactment of rate schedules, annexations, ordinances and resolutions. In 1984 MSD appointed a committee to develop a plan and finance package to address water quality issues in Louisville and Jefferson County. In its final report, the committee proposed the establishment of a single authority to be responsible for maintaining and improving the county's storm water drainage facilities with revenues for its operation to be derived from user fees. Thereafter, pursuant to the Interlocal Cooperation Act, KRS 65-210-300, the city of Louisville and Jefferson County transferred custodianship of their drainage facilities to MSD, and MSD was designated as the responsible agency for flood and storm water drainage services.¹

1. Legislation (Senate Bill No. 377) was introduced before the 1986 General Assembly to streamline the process for making MSD responsible for a county-wide drainage program. This would have avoided the necessity of MSD having to annex separately with each of the 120 communities that proposed it. Under this proposal, in addition to the service charge tax, although MSD would have existed, the county, or essentially

Appellants sought as a class action, pending further development. On April 19, 1987, a summary judgment on May 9 entered in favor of the city of Louisville. The court charge collected by appellees was not a tax, nor was it a tax of the users of the facility. Appellants' contention is that the application. Further, the court denied that the service charge was a tax. This appeal follows.

(1) First, appellants' summary judgment is inappropriate. Appellants suggest that they denied their motion for a preliminary injunction, exclusive possession of the property at the time it filed a motion for a preliminary injunction, on January 1, 1987, the initial burden of proof was on appellants to establish the non-existence of the fact," Mooser v. Commonwealth, 365, 357 (1967), a bent on appellants' evidence. We agree.

In granting summary judgment, the court determined that the burden of showing of a legal material fact or facts was on the appellants.

Shield of Kentucky, App., 713 S.W.2d 111 (1986). See it, the crucial element of the service charge tax. Although it may have existed, the county, or essentially

intended to annex separately with each of the 120 communities that proposed it. Under this proposal, in addition to the service charge tax, although MSD would have existed, the county, or essentially

issue. We conclude, therefore, that summary judgment was proper.

[2] Next, appellants argue that the court erred by adjudging that MSD's service charge is not a tax. We disagree. There is no dispute that pursuant to KRS 76.090 MSD can establish and impose charges for services rendered. However, MSD has no power to levy taxes. KRS 76.140. Indeed, taxation is a legislative function which is delegated to MSD would violate Sections 27 and 28 of the Kentucky Constitution. Therefore, if MSD's drainage charge is determined to be a tax, it must be adjudged to be illegal.

A tax is universally defined as an enforced contribution to provide for the support of government, whereas a fee is a charge for a particular service. *Dickson v. Jefferson County Board of Education*, 311 Ky. 781, 225 S.W.2d 672 (1950). Appellants contend that MSD's charge has no rational relationship to a benefit received and, therefore, is a tax.

MSD was created under an enabling act, Acts of 1944, Ch. 104, now Chapter 76. In *Veal v. Louisville and Jefferson County Metropolitan Sewer District*, 303 Ky. 248, 197 S.W.2d 413, 418 (1946), the supreme court held the Act to be constitutional and stated that "the Act provides for no tax whatever. Charges for sewer service are not taxes anymore than are bridge tolls or water rents." Although the court in *Veal* was concerned only with sewer charges, it nevertheless upheld the constitutionality of the Act which provides for the district "[t]o have jurisdiction, control, possession, and supervision of the existing sewer and drainage system." KRS 76.080. Rates, rentals and charges are governed by KRS 76.090(1) which provides that "[t]he district may establish a schedule of rates, rentals and charges, to be collected from all the real property within the district area served by the facilities of the district...." Furthermore, KRS 76.100 provides that the district has the duty "to rehabilitate, construct, improve and extend any sewer and drainage systems...." (Emphasis added.)

Appellants dismiss the cases relied on by appellees and the court as being of little benefit because they are cases in which sewer fees, not drainage fees, were upheld. Appellants contend that the benefits derived from sewers are capable of accurate measurement and are clearly different from the benefits derived from storm water drainage facilities, which they allege are incapable of measurement. Appellants urge that the benefit from the drainage system is an indirect benefit, similar to the indirect benefit citizens receive from fire protection, and therefore that the charge imposed by MSD is a tax in disguise.

Further, appellants argue that there are some property owners who receive no benefit from the plan because they have constructed their own system or because the storm water run off drains from their property directly into the Ohio River. However, similar arguments were presented and rejected in *Curtis v. Louisville and Jefferson County Metropolitan Sewer District*, Ky., 311 S.W.2d 378 (1958), where property owners argued that KRS 76.260 (which was later repealed) was unconstitutional because it established a conclusive presumption that all land within a designated surface drainage improvement area would receive some benefit. Because some property was at an elevation high enough to provide a vested right to the free flow of surface water, property owners argued that such property could not be benefited by the improvement. The court disagreed.

We think that in the case of a surface drainage improvement area, any property that geographically is a part of the watershed or drainage basin may properly be considered to be benefited by the project through the general improvement of conditions of health, comfort and convenience in the area and the resulting general enhancement of values in the area. The circuit court held that all property in the area could be deemed to be benefited, and we affirm that holding. *Id.* at 382.

Appellants rely heavily on *West Tennessee Flood Control & Soil Conservation District v. Wyatt*, 193 Tenn. 566, 247

LONG RUN BAPTIST ASS'N v. SE

Cite as, Ky.App., 775 S.W.2d

fair and reasonable similar to the uniform form in addition, K "scheduled ty falling w Appellant charge would owner pay in of impermeable MSD's serv classes of two family B being all the basis for the MSD was the equivalent impervious single family r by MSD in ch for charge \$1.71 each single EEU per 2,500 surface for eerty. Contr we agree with reasonable a that it is unli

Indeed, in *County MSD v. Sons*, 307 Ky. similar case, MSD could pr outsiders charged for a "[A] system a natural and relati of the autho the principle *Id.* 211 S.W.2d at 1359-60.

[3] Next, appellants argue that the service charge is not uniform and therefore violates KRS 76.090 and the equal protection clause of the Constitution. KRS 76.090(1)(g) provides that the schedule of rates, rentals, and charges "may be determined by the district on any basis or classification which the district determines to be

Lastly, appellee in failin class action. 10, 1987, the denied appell action as a c allow the de

port of Defendants Act, a Florida court ordered that the obligor could avoid extradition from Florida as long as he paid \$75.00 a month on the Kentucky judgment. *Hamilton*, 478 S.W.2d at 199 n. 2. The Florida order did not modify the Kentucky judgment and arrearages continued to accrue under the Kentucky judgment. *Id.* at 200. *Hamilton* does not hold that KRS 407.350, by itself, bars modification of a prior support order.

KRS 407.350 is taken from the 1950 Uniform Reciprocal Enforcement of Support Act § 30. Under this version of the Act, courts have been divided over whether a responding court may modify a support order of a sister state. W. Brockelbank, *Interstate Enforcement of Family Support*, 65-66 (F. Infusso 2d ed. 1971). The 1968 Act amended this section (renumbered to Section 31) to read that a subsequent order does not modify a prior order "unless specifically provided by the ... Court." The 1968 Act § 31, not adopted by Kentucky, attempts to settle the controversy by allowing a responding court to modify prior support orders. *Id.* at 67.

We believe that KRS 407.420 evinces an intent that in an action pursuant to KRS 407.180 a Kentucky court should not increase the support provisions made in a prior order. This statute provides as follows:

Effect of pending or prior actions or proceedings on actions under this chapter. A responding court shall not stay the proceeding or refuse a hearing under this chapter because of any pending or prior action or proceeding for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody in this or any other state. The court shall hold a hearing and may issue a support order pending trial. In aid thereof, it may require the obligor to give a bond for the prompt prosecution of the pending proceeding. If the other action or proceeding is concluded before the hearing in the instant proceeding and the judgment therein provides for the support demanded in the complaint being heard, the court must conform its order to the amount allowed in the other action or proceeding. Thereafter the

court shall not stay enforcement of its support order because of the retention of jurisdiction for enforcement purposes by the court in the other action or proceeding. (Emphasis added.)

Although the appellants argue that this statute applies only where there are two contemporaneous actions for support pending, the plain wording of the statute is not so limited. But even if it were, this statute nevertheless shows an intent that the amount of support set by the responding court should conform to that set by the other court. A reading of this statute compels us to conclude that a responding court of this state may not increase the amount of support set by a prior decree in an URESA action initiated by the filing of a complaint in the initiating court in the obligee's home state.

[2,3] However, the obligee is not without a remedy in a Kentucky court to seek an increase in support provisions. The obligee may register a foreign support order with the circuit clerk. KRS 407.460-407.460. After a foreign support order is registered, it is "treated in the same manner as a support order issued by a court of this state. It has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a support order of this state and may be enforced and satisfied in a like manner." KRS 407.480. Thus, after a foreign support order is registered, the obligee may seek modification in the circuit court of the order pursuant to the standards of KRS 408.250. Requiring registration to seek a modification of a prior support order still comports with the purposes of URESA, that is, to provide an efficient method of enforcing support duties between jurisdictions. The county attorney represents the obligee, KRS 407.470(1), and the obligee would not be required to travel to Kentucky.

The circuit court judgment is affirmed.

All concur.



JACKSON v. STATE

Cite as 775 S.W.2d 527 (Mo.App. 1989)

William L. Webster, Atty.; Munson Morris, Elizabeth Atty. Gen., Jefferson City,

CRIST, Judge.

Movant appeals the denial of his motion for rehearing and/or Transfer to Supreme Court Denied Aug. 1, 1989.

James Allen JACKSON, Appellant,

v.

STATE of Missouri, Respondent.

No. 55574.

Missouri Court of Appeals,
Eastern District,
Division One.

June 20, 1989.

Motion for Rehearing and/or Transfer to Supreme Court Denied Aug. 1, 1989.

Prisoner filed motion for postconviction relief. The Circuit Court of St. Louis County, Robert W. Saitz, J., denied the motion after an evidentiary hearing, and movant appealed. The Court of Appeals, Crist, J., held that: (1) motion court did not err in failing to make findings of fact and conclusions of law on issues which movant did not present at evidentiary hearing, and (2) defense counsel was not ineffective for not playing tape-recorded conversations of movant to him prior to trial.

Affirmed.

1. Criminal Law #998(18)

Postconviction motion court did not err in failing to make findings of fact and conclusions of law on issues which movant raised in his pro se and amended motions, but which he did not present at evidentiary hearing. V.A.M.R. 27.28 (Repealed).

2. Criminal Law #641.13(2)

Counsel was not ineffective for not playing tape-recorded conversations of defendant to him prior to trial, despite defendant's allegation that counsel would have discovered that defendant's voice was altered; defendant failed to present any evidence, other than his own speculation, to show that it was not his voice on tapes or what incriminating statements on the tape were altered. U.S.C.A. Const. Amend. 6.

Joseph W. Downey, Holly G. Simons, St. Louis, for appellant.

Movant was convicted, a life imprisonment for delivery of a Schedule I controlled substance, Phencyclidine (PCP) § 195.020, RSMo 1976, and life imprisonment as a person pursuant to § 195.200.16b. Movant's conviction and sentence were affirmed on appeal. *See State v. 731*, 522 S.W.2d 348 (Mo.App. 1973).

Movant first asserts that the findings of fact and conclusions of law are insufficient because they do not address all of the claims movant pro se and amended motions. Whether movant's conviction was entrapment, whether the indictment, arraignment, and trial were unconstitutional, and whether movant was entrapped. *See Fields v. State*, 572 S.W.2d 738 (Mo. 1978).

Movant filed a pro se Rule 81 motion alleging his conviction should be set aside on the grounds of: (1) ineffective assistance of counsel; (2) two points of error which were not for the benefit of the defense; (3) movant was entrapped; (4) movant was induced by the admission of false evidence; and (5) movant illegally enhanced because he pled the wrong statute.

Movant was appointed counsel and an unverified amended motion was filed, incorporated by reference all statements made in his pro se motion. Motion alleged: (1) movant was ineffective for failing to present evidence that was beyond the indictment; (2) counsel was ineffective for failing to object to the admission of the statement as argumentative, and (3) the statement was ineffective for failing to introduce the tape recording.

§ 18-16-102(3), 8 C.R.S. (1985 Supp.) (emphasis added). The defendant claims the statute is vague as to whether his conduct was criminal. He objects particularly to the modifying phrases "but not limited to" and "precious or semiprecious metals or stones" contained within the definition of "valuable article" under section 18-16-102(7)(a). Similarly, the defendant objects to the phrases "such metals as" and "not limited to" contained within the definition of "precious or semiprecious metals or stones" under section 18-16-102(3).

[2] The defendant was charged with not adequately identifying pieces of silver. Silver is specifically enumerated as a precious or semiprecious metal which in turn is contained within the definition of a valuable article. Accordingly, we hold that the trial court erred when it ruled that the term, "valuable article" under section 18-16-102(7)(a), 8 C.R.S. (1985 Supp.), was not adequately defined as to the defendant and that the criminality of the defendant's conduct was left to subjective interpretation of law enforcement agents. The statute clearly gave the defendant adequate warning that the purchase of silver items was a metal within the scope of the statute's record-keeping and reporting requirements.

III.

[3, 4] The defendant's challenge to the term "reasonable time" in section 18-16-105(3) is clearly precluded by the general rule that constitutional challenges to statutes or portions of statutes will not be considered if raised by a party not affected by the alleged defects. *People v. Kibell*, 701 P.2d 37 (Colo.1985); *People v. Brown*, 632 P.2d 1025 (Colo.1981); *People v. Tumbarello*, 628 P.2d 46 (Colo.1981). Section 18-16-105(3) formed no part of the basis for the prosecution of the defendant. Nor does this case present any circumstances that would bring the defendant's attack on the term "reasonable time" within one of the limited exceptions to the general rule. Cf. *People ex rel. Tooley v. 735 East Colfax, Inc.*, 697 P.2d 348 (Colo.1985) (In first amendment cases, party may assert invalidity of statute that might chill constitutionally protected expression of others, even

though statute could be constitutionally applied to party before the court).

Section 105 provides that the purchaser of valuable articles shall keep a register that shall contain the records of certain specified information, and the register shall be made available "(3) ... to any peace officer for inspection at any reasonable time." The defendant was not charged with having denied a peace officer's access to his register, and, therefore, the defendant does not have standing to challenge that portion of the Act.

In conclusion, the defendant does not have standing to challenge provisions of the statute under which he is not charged.

Judgment is reversed, and the trial court is ordered to reinstate the counts against the defendant.



Morris ZELINGER and Thelma Zelinger;
David Goldstein and Sylvia Goldstein;
General Air Service & Supply; Waze Electric Co.; Advance Neon Sign Company; Abe L. Hoffman and Florence Hoffmann; Denver Motel Enterprises, Inc.; by themselves and on behalf of all other persons similarly situated, Plaintiffs-Appellants,

v.

The CITY AND COUNTY OF DENVER, a municipal corporation of the State of Colorado; the City Council of the City and County of Denver and its Members, Individually and as Council-Councillors; and Harold V. Cook, as Manager of Public Works of said City and County of Denver, Defendants-Appellees.

No. 84SA508.

Supreme Court of Colorado,
En Banc.

Sept. 8, 1986.

Class of property owners appealed decision of the District Court, City and County

ZELINGER v. CITY AND COUNTY C
Cite as 724 P.2d 1356 (Colo. 1986)

of Denver, Daniel B. Sparr, J., upholding constitutionality of city ordinance. The Supreme Court, Vollack, J., held that: (1) storm drainage service charge was special assessment and not tax, and (2) storm drainage service charge scheme did not violate equal protection.

Affirmed.

I. Taxation \Leftrightarrow I

"*Ad valorem property taxes*" are intended to raise revenue to defray general expenses of taxing entity.

See publication Words and Phrases for other judicial constructions and definitions.

2. Taxation \Leftrightarrow 40(2)

Special assessments are not included within coverage of uniformity of taxation clause of Constitution. Const. Art. 10, § 3.

3. Municipal Corporations \Leftrightarrow 405

"Special assessments" are charges imposed for purpose of financing local improvements, and to qualify as special assessment charge must be directed against users of improvement, and revenue derived from charge must be applied only to maintenance, operation, or development of improvement.

See publication Words and Phrases for other judicial constructions and definitions.

4. Taxation \Leftrightarrow 40(2)

Storm drainage service charge which did not raise revenue for general municipal purposes as sole or principal objective was special assessment act subject to uniformity of taxation requirement of Constitution where use of funds raised was restricted by applicable ordinance. Const. Art. 10, § 3.

5. Municipal Corporations \Leftrightarrow 712

Standard of review in determining whether storm drainage service charge ordinance was constitutional was rational-basis test where ordinance neither adversely affected fundamental right or disadvantaged suspect class, and where governmental interest in maintaining and improving

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property in the County to pay for the operation, maintenance, improvement, and replacement of the City's storm drainage facilities. The charge is based on the ratio of impervious to pervious land surface. Impervious surface is surface which has been improved so it no longer absorbs and delays rainfall runoff. The higher the ratio of impervious to pervious surface, the greater the charge per square foot.¹ The Ordinance also sets a minimum service charge of \$3.70 for each lot on which there is impervious surface.

Plaintiffs-appellants are owners of residential and commercial properties within the City and County of Denver. They appear on behalf of themselves and other similarly situated property owners who have paid, or may be required to pay, storm drainage charges pursuant to the Ordinance. The trial court certified this matter as a class action, and notice was given by publication. None of the parties disputed any issues of fact and, pursuant to stipulation, the trial court treated the matter as if cross motions for summary judgment had been filed based upon a purely facial challenge to the Ordinance.

The trial court held that the Ordinance was rationally related to a legitimate state purpose of financing the maintenance and construction of new storm sewers. It also held that the Ordinance was a service charge and not an unconstitutional tax. We affirm.

II.

[1] The plaintiffs argue that the storm drainage service charge is a nonuniform

- Depending on the ratio of impervious to pervious land surfaces, the Ordinance places properties in one of ten "ratio groups." Corresponding with each ratio group is a charge for each one hundred square feet of impervious surface on the property. The method for calculating the charge thus involves 1) determining the ratio of impervious to pervious surface on a parcel of land; 2) assigning the parcel to the appropriate ratio group; and 3) multiplying the service charge per one hundred square feet by the number of one hundred square foot units of impervious surface on the property. § 5-2.

The ratio groups and their associated charges are set out in section .6 as follows:

tax in violation of article X, section 3, of the Colorado Constitution, which provides that "[a]ll taxes shall be uniform upon each of the various classes of real and personal property located within the territorial limits of the authority levying the tax. . . ." We have long recognized that the uniformity requirement of article X, section 3 applies only to ad valorem property taxes. See, e.g., *Cherry Hills Farms, Inc. v. City of Cherry Hills Village*, 670 P.2d 779 (Colo. 1983); *Ochs v. Town of Hot Sulphur Springs*, 158 Colo. 456, 407 P.2d 677 (1965); *Public Utilities Commission v. Manley*, 99 Colo. 153, 60 P.2d 913 (1936); *Denver City Railway v. City of Denver*, 21 Colo. 350, 41 P. 825 (1895). A hallmark of such taxes is that they are intended to raise revenue to defray the general expenses of the taxing entity. See *Ochs*, 158 Colo. at 460, 407 P.2d at 678-80; *Western Heights Land Corp. v. City of Fort Collins*, 146 Colo. 464, 369 P.2d 165 (1961).

[2, 3] "Special assessments" are not included within the coverage of the uniformity clause of article X, section 3. Special assessments are charges imposed for the purpose of financing local improvements. To qualify as a special assessment, a charge must be directed against the users of an improvement, and the revenue derived from the charge must be applied only to the maintenance, operation, or development of the improvement. See *Rennas v. City of Grand Junction*, 676 P.2d 1189 (Colo.1984); *Ochs*, 158 Colo. at 460, 407 P.2d at 679-80.

In *Loup-Miller Const. Co. v. City and County of Denver*, 676 P.2d 1170 (Colo.

Ratio Group	Rate of Charge (Per 100 square feet of impervious surface)
0 to .10	\$0.37
.11 to .20	0.47
.21 to .30	0.57
.31 to .40	0.67
.41 to .50	0.77
.51 to .60	0.87
.61 to .70	0.97
.71 to .80	1.07
.81 to .90	1.17
.91 to 1.00	

ZELINGER v. CITY AND COUNTY OF D

Cite as 724 P.2d 1358 (Colo. 1984)

1984), we held that the sanitary sewer charge "ordinances did not impose taxes, but set fees, as authorized by section 31-36-402(1)(O), C.R.S. (1977, Repl. Vol. 12) and section C4.12 of the Denver Charter. ("The council shall fix the rates for the service to be rendered by each such public utility. . . .")" *Id.* at 1175-76. Here, the City of Denver relies on precisely the same statute and charter provision as we relied upon in *Loup-Miller*. In *City of Arvada v. City and County of Denver*, 663 P.2d 611 (Colo.1983), we held that while the imposition of a development fee as such was not authorized by section 31-35-402(1)(O), 12 C.R.S. (1977), such a charge was within the general contemplation of this "broadly worded statute." *Id.* at 614. Furthermore, we stated that:

[T]he General Assembly intended to give municipalities broad, general powers to construct, improve and extend all the facilities necessary to operate a viable water system, and that this power includes authorization to accumulate a fund for future development. There is no indication that municipalities are limited to the use of revenue bonds to finance future acquisition and construction.

Id. at 615.

The Ordinance in question does not raise revenue for general municipal purposes as a sole or principal objective. The use of funds raised by the storm drainage service charge is restricted by the following language in the Ordinance:

.12-1. All fees and charges paid and collected pursuant to this Article shall be segregated, credited and deposited in a special fund or funds, and shall not be transferred therefrom to any other account of the City, except to pay for expenses directly attributable to storm drainage activities.

.12-2. The fees and charges paid and collected by virtue of this article shall not be used for general or other governmental or proprietary purposes of the City, except to pay for the equitable share of the costs of accounting,

management, the f used, other than to pay for repair, maintenance, replacement, storm drainage the costs incident to the Ordinance at 12.

[4] We hold that the service charge is

[5] Plaintiffs' The Ordinance equal protection argument focuses on the scheme established by the City to equitably assess surface on their different service ratios of impervious to pervious land. As the ratio groupings are based on parcels of land with parcels of impervious land, plaintiffs contend that the minimum service charge is discriminatory and therefore unconstitutional. The minimum service charge is based on similar ground as the review used to challenge, see, e.g., *Craig v. Boren*, 41 Colo.1984, in which the classification scheme was held discriminatory because it discriminated against neither adverse right nor disability. It does not discriminate against the "intermediate class," e.g., *Craig v. Boren*, 451, 50 L.Ed.2d 1984, in which the Board of Com

847 (Colo. 1984).² The governmental interest in maintaining and improving storm drainage facilities in Denver is unquestioned.

The possibility that some landowners with the same amount of impervious land surface on their property will be assessed different charges is not an anomalous consequence of the fee scheme. Rather, the differential charges are the intended result of a fee schedule premised on the recognition by experts that while total impervious surface area is a good indicator of the amount of water that can be expected to reach the storm drain system after a storm, because of the capacity of pervious land surface to absorb water, the ratio of impervious to pervious surface is a more accurate indicator of storm drainage costs associated with a particular parcel of land.

[6,7] The plaintiffs urge that the amount of impervious land surface should be the sole determinant of a storm drainage service charge. They also assert that adjustments to the service charge scheme could reflect more closely differences in the ratio of impervious to pervious land surface, as well as other relevant differences among parcels of land. However, although alternative cost allocation schemes may be equally well-suited or arguably better suited to serving the governmental interest in providing storm drainage facilities than the scheme actually adopted, the equal protection clauses do not authorize the invalidation of the scheme chosen unless it is without rational foundation. See *Loup-Miller*, 676 P.2d 1170. We conclude the Ordinance is rationally related to the legitimate governmental interest of operating, maintaining, improving and replacing the City's storm drainage facilities. The Ordinance does not violate equal protection of the laws.

Judgment affirmed.

2. For purposes of resolving the question presented here, the requirements of due process are coextensive with those of equal protection.

Charles and Patricia FORSYTH,
Plaintiffs-Appellees,

v.

ASSOCIATED GROCERS OF COLORADO, INC., and A.G. Investment Company, Defendants-Appellants.

No. 82CA1331.

Colorado Court of Appeals,
Div. III.

Jan. 2, 1986.

Rehearings Denied Feb. 13, 1986.
Certiorari Denied Sept. 15, 1986.

Grocer brought action for deceit by misrepresentation against cooperative which recommended purchase of store which failed. The District Court, City and County of Denver, Susan Barnes and Roger Cianeron, JJ., entered judgment on jury verdict in favor of grocer and cooperative appealed. The Court of Appeals, Van Cise, J., held that: (1) finding of deceit by misrepresentation was sufficiently supported by evidence; (2) grocer was proper party to assert deceit claim though grocer's corporation purchased store; (3) grocer did not rescind his contract with seller of store; (4) any procedural errors pertaining to damages were rendered moot when court set aside jury's award and ordered new trial on damages issue; (5) expert testimony based partly on inadmissible evidence, if error, was harmless; (6) jury instruction was erroneous in that it may have misled jury into awarding improper double recovery; and (7) cooperative was entitled to setoff against grocer's deceit judgment for amounts of other defendants' settlements with grocer and amount owed to cooperative by grocer.

Affirmed in part, reversed in part, and cause remanded with directions.

See Chiappe v. State Personnel Board, 622 P.2d 527 (Colo. 1981).

FORSYTH v. ASSOCIATED GROCERS OF COLORADO

Cite as 724 P.2d 1360 (Colo.App. 1986)

1. Fraud \Rightarrow 50

In order for grocer to recover from cooperative which recommended grocer purchase store which later failed, on theory of deceit by misrepresentation, grocer must prove that: cooperative made false representation of past or present facts; fact was material; cooperative made representation knowing it to be false or being aware that it did not know whether it was true or false; cooperative made representation with intent that grocer act in reliance on representation; grocer relied on representation; grocer's reliance was justified; and this reliance caused damage to grocer.

2. Fraud \Rightarrow 50(1)

Finding that cooperative which recommended to grocer that he buy store which later failed was liable to grocer for deceit by misrepresentation was sufficiently supported by evidence which included cooperative's knowing use of prior sales figures without regard to truth or falsity and no showing that grocer knew or should have known that information was false or that his reliance was unreasonable.

3. Fraud \Rightarrow 29

Grocer was proper party to assert claim of deceit by misrepresentation against cooperative which recommended that grocer purchase store which later failed, in that misrepresentations were made to grocer and grocer suffered financial loss, though store was actually purchased by grocer's corporation.

4. Sales \Rightarrow 127

Grocer did not rescind his store purchase contract with seller when he turned over business to bank which had loaned him purchase money and had security interest in assets.

5. Appeal and Error \Rightarrow 1050.1(12)

Admission of expert testimony as to actual value of business at time of purchase based partly on prior sales data contained in notebook which had been ruled inadmissible, if error, was harmless in that it was not disputed that business had been substantially overvalued.

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7. Fraud \Rightarrow 50

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8. Damages \Rightarrow

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9. Set-Off \Rightarrow

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Before RICHARDSON, P.J., and WARD-EN and NEWMAN, JJ.

PER CURIAM.

Defendant appeals his conviction for robbery in the first degree. He contends that the court erred in admitting evidence respecting his participation in two other robberies and in imposing a mandatory minimum sentence in accordance with ORS 161.610. We conclude that the court did not err in admitting the evidence and affirm the conviction.

The state concedes that the court erred in imposing a mandatory minimum term of

imprisonment, because there was no jury finding or admission by the defendant that he personally had used a gun in commission of the crime. *See State v. Wedge*, 293 Or. 698, 652 P.2d 773 (1982).

Conviction affirmed; judgment modified to delete five-year minimum imposed pursuant to ORS 161.610.



TETER v. CLARK COUNTY

Cite as 704 P.2d 1171 (Wash. 1983)

104 Wash.2d 227

Kenneth E. TETER, Elmer Kauppin, Frank L. Akerill, Ira Knapp, Pete Rogers, Dave Sarss, Irene Larson, Sally Ross, Garver Gray, Joe Gesler, W.L. Wilson, Pete Van Den Bosch, Waldo Olson (Evergreen Airport), Jack Johnson, Theron Farris, John Mroczek, Dorothy Douglas, Dennis Hall, Myrt Hoyer, Dave Alheldings, Byron Alheldings, Evergreen Memorial Gardens, Inc., James Cooley, Gene Sorenson, Paul Barneau, Charles Foil, James J. Powers, Ormai N. Kelly, P.L. Johnigan, Marion Nugent, Lloyd B. Tucker, Jon Stanker and Elmer Anderson, Appellants,

v.

CLARK COUNTY, Washington, a municipal corporation, and the City of Vancouver, Washington, USA, a municipal corporation, Respondents.

No. 51173-0.

Supreme Court of Washington,
En Banc.

Aug. 8, 1983.

Property owners brought action for declaratory judgment, challenging under State and Federal Constitutions right of city and county to impose charges on them for maintaining and operating storm water control facilities. The Superior Court, Clark County, John M. Skinas, J., granted city and county's motion for summary judgment as to constitutionality of charges and validity of method used to compute them. Property owners appealed. The Supreme Court accepted appeal as administrative transfer from Division Two of the Court of Appeals, and Pearson, J., held that: (1) city had statutory authority under statute authorizing city to form and operate system of sewerage to impose charges under its police power, with "special benefit" requirement not applying; (2) county had authority to impose such charges under statute permitting it to fix rates and charges for those who contribute to increase of surface water runoff under its

police power, with "requirement not applying" termination of charge arbitrary or capricious schedule bore reasonable relation of each lot to (5) even if charges they were both statutory uniform, and we reverse.

Affirmed.

1. Municipal Corporations

Special assessments charged against property benefited by project.

Art. 7, § 9.

2. Municipal Corporations

Charges imposed 35.67.010(3), which include surface sewers to sewage areas authorized to form West's RCWA 35.67.010(3) that rates and charges same class of customers not "special assessments" RCWA Const. Art. 7 capital assessments to property benefited.

3. Municipal Corporations

City had statutory authority under West's RCWA 35.67.010(3) to form an sewerage, to impose charges for such systems.

4. Counties 4-107

West's RCWA 35.67.010(3) requiring counties to establish and construct storm water control management systems.

5. Constitutional Law

"Police power" is compass all laws, health, peace, morality, and welfare of people being that laws

to correct some evil or promote some interest of state.

6. Levees and Flood Control $\Leftrightarrow 1$

Cleanup by city and county of creek and lake, along with measures to prevent flooding in entire drainage basin, are within definition of "police power" as health, safety, or welfare measures.

See publication Words and Phrases for other judicial constructions and definitions.

7. Municipal Corporations $\Leftrightarrow 712$

Charges imposed on property owners whose property lies within drainage basin to maintain and operate storm water control facilities were properly characterized as charges imposed to implement health or safety law, and were valid under the police power, even though property owners did not receive any specific service, where charges were imposed pursuant to West's RCWA 36.89.080, requiring that all charges collected be deposited in a special fund to be used only to pay costs of maintaining and operating storm water control facilities. West's RCWA 36.89.010 et seq.

8. Constitutional Law $\Leftrightarrow 48(4)$

Where court is asked to review legislative decision, applicable standard of review is "arbitrary and capricious" test.

9. Constitutional Law $\Leftrightarrow 48(1)$

Legislative determination will be sustained if court can reasonably conceive of any state of facts to justify that determination.

10. Municipal Corporations $\Leftrightarrow 59(2)$

To be void for unreasonableness, ordinance or resolution must be "clearly and plainly" unreasonable.

11. Counties $\Leftrightarrow 107$

Municipal Corporations $\Leftrightarrow 712$

Property owners, who were objecting to imposition of charges by city and county for maintaining and operating storm water control facilities, had heavy burden of proof that city and county's actions were willful and unreasonable, without regard for facts and circumstances, to void charges on grounds legislative determinations were

not made in reasonable manner. West's RCWA 35.67.010 et seq., 36.89.010 et seq.

12. Counties $\Leftrightarrow 107$

Municipal Corporations $\Leftrightarrow 712$

Legislative determination of charges to be imposed on property owners for costs of maintaining and operating storm water control facilities were not made in arbitrary or capricious manner, without regard to facts and circumstances, where city and county considered specific contours of properties involved, utilized both standard engineering knowledge and engineering studies of specific area, performed in-field verification of drainage basin boundaries and water flow in arriving at determination that property owners' properties contributed to increased surface water runoff, and passed resolutions involving charges at open meetings of county commissioners. West's RCWA 35.67.010 et seq., 36.89.010 et seq.

13. Counties $\Leftrightarrow 107$

Municipal Corporations $\Leftrightarrow 712$

Affidavits of property owners as to whether their properties actually contributed to increased surface water runoff had no bearing on reasonableness of city and county's decision-making process in determining upon which properties charged for costs of maintaining and operating storm water control facilities should be imposed, where affidavits were made several years after decision-making process and did not form part of data considered by city and county in making their decision; thus, property owners' affidavits were not relevant to Supreme Court review of determination. West's RCWA 35.67.010 et seq., 36.89.010 et seq.

14. Municipal Corporations $\Leftrightarrow 712$

Property owners bear burden of proof that rates imposed by city and county upon them for costs of maintaining and operating storm water control facilities were unreasonable. West's RCWA 35.67.010 et seq., 36.89.010 et seq.

TETER v. CLARK COUNTY

Cite as 704 P.2d 1171 (Wash. 1985)

15. Counties $\Leftrightarrow 107$

Municipal Corporations $\Leftrightarrow 712$

Rates imposed on property owners by county and city for costs of maintaining and operating storm water control facilities are presumptively reasonable, and rates will be sustained unless it appears, from all circumstances, that they are excessive and disproportionate to services rendered. West's RCWA 35.67.010 et seq., 36.89.010 et seq.

16. Constitutional Law $\Leftrightarrow 48(4)$

"Arbitrary," for purposes of determining whether legislative determination was "arbitrary and capricious" on review by court, is willful and unreasoning action, without consideration and regard for facts or circumstances.

See publication Words and Phrases for other judicial constructions and definitions.

17. Counties $\Leftrightarrow 107$

Municipal Corporations $\Leftrightarrow 712$

Rate schedule of charges imposed on property owners by city and county for costs of maintaining and operating storm water control facilities were reasonable relating to contribution of each lot to surface runoff, where charges were based on varying intensities of use of properties and relationship of that use to surface and subsurface water collection, with owners of single-family residence lots paying same rate, and owners of lots with more impervious surface, e.g., industrial, commercial, being charged more, depending on size of lot. West's RCWA 35.67.010 et seq., 36.89.010 et seq.

18. Counties $\Leftrightarrow 107$

Municipal Corporations $\Leftrightarrow 712$

City and county were not required to measure each residential lot to ascertain exact amount of impervious surface on each one to impose charges on property owners for costs of maintaining and operating storm water control facilities. West's RCWA 35.67.010 et seq., 36.89.010 et seq.

19. Municipal Corporations $\Leftrightarrow 712$

Absolute uniformity in rates charged property owners for costs of operating and

maintaining storm water not required. West's seq., 36.89.010 et seq.

20. Municipal Corporations

Rates charged by owners for costs of maintaining storm water control internally uniform, but may be charged differently. West's RCWA 35.67.010 et seq.

21. Municipal Corporations

Only practical construction of property owners for costs of maintaining storm water based on surface runoff mathematical formulae. West's RCWA 35.67.010 et seq., 36.89.010 et seq.

22. Municipal Corporations

County did not adopt mining rate schedule for property owners for costs of maintaining storm water control, where county submissions which showed schedule was devised for each single lot, not excessive nor discriminatory. West's seq., 36.89.010 et seq.

23. Municipal Corporations

If charges for maintaining storm water control are to be raised to raise money, the West's RCWA 35.67.010 et seq.

24. Municipal Corporations

Charges imposed for costs of maintaining storm water facilities characterized as "tools of taxation," where primary resolution and city that both retain control of storm water management, however, pose of ordinances port stated county for drainage area to

and private actions in basin. West's RCWA 35.67.010 et seq., 36.89.010 et seq.

25. Municipal Corporations \Leftrightarrow 962

Even if charges imposed on property owners for costs of operating and maintaining storm water control facilities were actually "taxes," charges would not be automatically invalid. West's RCWA 35.67.010 et seq., 36.89.010 et seq.

26. Taxation \Leftrightarrow 44

If charges imposed upon property owners for costs of maintaining and operating storm water control facilities were characterized as authorized taxes, charges had to be uniform. West's RCWA Const. Art. 7, § 1 as amended by Amend. 14.

27. Taxation \Leftrightarrow 40(1)

If system of charges is administered in systematic, nondiscriminatory manner, it meets requirement of West's RCWA Const. Art. 7, § 1 as amended by Amend. 14, that taxes be uniform.

28. Municipal Corporations \Leftrightarrow 962

Taxation \Leftrightarrow 44

Charges imposed on property owners for costs of maintaining and operating storm water control facilities were both statutorily authorized and uniform for purposes of upholding their validity if they were characterized as "taxes," where charges imposed were uniform as to each member of each category (industrial, commercial, single-family residential) and were based on engineering studies and averages relating to water runoff from various types of property. West's RCWA 35.67.010 et seq., 36.89.010 et seq.; West's RCWA Const. Art. 7, § 1 as amended by Amend. 14.

R. DeWitt Jones, Vancouver, for appellants.

Arthur Curtis, Clark County Prosecutor; Richard S. Lowry, Deputy County Prosecutor; Jerry King, City Atty., Vancouver, for respondents.

PEARSON, Justice.

The primary issue in this case is whether the charges imposed upon appellants by respondents to finance respondents' water management department are unconstitutional where appellants' properties do not receive any "special benefit" from the water management activities. A related issue is whether respondents' legislative determination that appellants' properties are located within the Burnt Bridge Creek drainage basin and contribute to an increase in surface water runoff is arbitrary and capricious. The final issue is whether respondents acted arbitrarily or capriciously in computing the rates and charges to be assessed against appellants' properties.

We hold that the "special benefit" requirement of article 7, section 9 of the Washington Constitution does not apply to rates or charges established pursuant to RCW 36.89.080 or RCW 35.67. We further hold that respondents did not act arbitrarily or capriciously in determining which properties should be charged for the water management program nor in computing the charges. We therefore affirm the trial court in every respect.

The Burnt Bridge Creek drainage basin is an approximately 27-square-mile area, partly in Clark County and partly in the city of Vancouver. In the past 30 years, much residential and light industrial-commercial development occurred in this area. As the area developed, several storm sewer and sanitary sewer projects were completed; however, a large number of septic tanks were also permitted by the City and County.

As early as 1966, engineering studies showed that the danger of flooding and pollution in Burnt Bridge Creek, which flows into Lake Vancouver, was increasing as the development in the area progressed. Later engineering studies showed that the flooding and pollution problems throughout the entire drainage basin were worsening.

The County and City responded to these problems. In 1978, Clark County adopted two resolutions, pursuant to RCW 36.89, which formed a storm and surface water

TETER v. CLARK COUNTY

Cite as 704 P.2d 1111 (Wash. 1985)

department for management of the entire Burnt Bridge Creek drainage basin. The County's preexisting water control facilities were made a part of the new water department by the resolutions. Similarly, the City of Vancouver passed an ordinance, pursuant to RCW 35.67, which created a storm and surface water utility and transferred all preexisting water control facilities to that new utility.

The County and City then entered into an interlocal agreement, pursuant to RCW 39-34, authorizing joint operation, management, and financing of the newly formed water department or utility. The County was designated to be the principal operator of the joint water utility.

The County subsequently adopted another ordinance, pursuant to RCW 36.89.080, which set the charges to be paid by property owners whose properties lie within the drainage basin. Appellants' property is so situated. However, because appellants refused to pay the charges, respondents placed liens upon their properties, pursuant to RCW 36.89.090. Appellants brought an action for declaratory judgment, challenging, under the state and federal constitutions, the right of the respondents to impose the charges. Appellants also challenged the method used by respondents to compute the charges.

Both parties moved for summary judgment. The trial court granted respondents' motion as to the constitutionality of the charges and as to the validity of the method used to compute the charges. Appellants appealed; this court accepted the appeal as an administrative transfer from Division Two of the Court of Appeals.

1

Appellants do not challenge that the City and County had statutory authority to form the water department. Rather, appellants challenge the inclusion of their properties among those which are to be charged for the operation of the department. Because their properties do not border on Burnt Bridge Creek, appellants argue that they do not specially benefit from the flood

control services of the department. Furthermore, services are served by appellants who argue that they contribute to the problem. Appellants finally argue that rates do not contribute to surface water runoff.

Therefore, appellants challenge imposed by Const. Art. 7, § 9, w.

SPECIAL ASSESSMENT TAXATION FOR LOCAL PURPOSES

The legislature may confer upon local authorities of cities and towns with power to make special assessments of property for local purposes, all or any portion of which may be vested with the city and collect taxes uniform in respect thereto within the jurisdiction levying the same.

[1, 2] Appellants contend that the special assessment is unconstitutional because it is against property which is not benefited by the project.

Rural Library Dist. No. 1 v. State, 404 P.2d 453 (1965), special assessment,

are for the construction of roads, bridges, ... appurtenant to the property and bring a benefit to the property in excess of [city]. The benefit is actual, physical, merely speculative.

However, an exacting test is applied under which Clark County's claim that Vancouver acted reasonably is upheld.

The City of Vancouver's claim that it has the authority to form and operate a water utility "which includes storm sewers, RCW 35.67, charge 'rate' and such systems, Teter v. Clark County, 704 P.2d 1111 (Wash. 1985).

be uniform for the same class of customers or service. RCW 35.67.020.

That statute's predecessor, which was worded identically to the current law, was construed by this court in *Morse v. Wise*, 37 Wash.2d 305, 228 P.2d 214 (1951). In that case, the city built new additions to an old sewer system. The property owners who had already paid for the original sewers objected to paying for the additions, which would only serve new users and "would be of no benefit to them". This court held that the statute authorized the city to act under its police power and that the concept of special benefits was not relevant in that case.

The whole concept underlying [RCW 35.67] *et seq.*, is different from that of the local improvement district plan. Under these statutes, the city acts pursuant to the police power granted to it to provide sewer service to protect the health of its inhabitants and to defray the expense by making service charges. The special benefit idea does not enter into the picture at all. We have examined the cases cited by appellants ... They are of no aid in the solution of the problem now before us, as they involve assessments according to special benefits where improvements were being made pursuant to statutes providing therefor.

(Citations omitted.) *Morse*, at 810-11, 228 P.2d 214.

This court also stated in *Morse* that special assessments are not the exclusive means of financing local improvements; improvements necessary to health and safety may be authorized under the police power and paid for "other than by local assessments". *Morse*, at 818, 228 P.2d 214. In such cases, Const. art. 7, § 9 is not implicated.

[3] Clearly, in the present case the City had statutory authority under RCW 35.67 to impose the charges. Further, in *Morse*, we upheld the constitutionality of such charges even where no special benefit is created for the property owners. Thus, the next question is whether the County also had statutory authority to impose the

charges and whether those charges are constitutionally valid where no special benefit is created for appellants.

II

RCW 36.89.030 authorizes counties to "establish, acquire, develop, construct ... storm water control facilities". The statute authorizes several methods of funding: (1) issuance of general obligation bonds (RCW 36.89.040), (2) creation of utility local improvement districts and charging of capital assessments (RCW 36.89.110), (3) issuance of revenue bonds (RCW 36.89.100), and (4) adoption of a resolution "fixing rates and charges for the furnishing of service to those served or receiving benefits ... or contributing to an increase of surface water runoff" (RCW 36.89.080). (Italics ours.)

Clearly, the County did not proceed under the special assessment section, RCW 36.89.110. No utility local improvement district was formed. Neither did the County proceed under methods 1 or 3 above, issuance of bonds.

[4] Rather, the County chose to proceed under the rates and charges method specified in RCW 36.89.080. That section of the statute authorizes the county to charge not only for services supplied to property owners, but also based upon contribution to increase of surface water runoff by the properties. We hold that just as RCW 35.67 grants cities the police power to operate management systems for storm sewers, RCW 36.89 similarly gives the counties such police power.

Legislative intent to give the counties such police power is found in the statute. Significantly, RCW 36.89 states as among its purposes:

The storm water control facilities within such county provide protection from storm water damage for life and property throughout the county, generally require planning and development over the entire drainage basins, and affect the

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Cite as 704 P.2d 1171 (Wash. 1985)

prosperity, interests and welfare of all the residents of such county.

RCW 36.89.020.

Furthermore, the resolutions passed by the County pursuant to RCW 36.89 evidence an intended exercise of the police power. Clark County Resolution 1978-9-41 states:

Clark County and ... Vancouver have ... cooperated in a joint program to implement a clear water program ... toward the control of the runoff from ... new development within the ... basin, the storage of excess runoff ... the provision of stream bank stabilization ... the creation of vegetative buffers for temperature control and habitat enhancement ... the treatment of first flush discharge from major storm drain systems ...

That resolution further states that the basin

constitutes a potential hazard to lives and property of County inhabitants, but that Burnt Bridge Creek itself and functionally related natural and man-made storm water control facilities constitute a storm water control facility ... that effective regulation and control of storm and surface water ... requires the establishment ... of a storm and surface water department ...

[5, 6] The police power is broad enough to encompass all laws tending to promote the

health, peace, morals, education, good order and welfare of the people. ... [T]he only limitation upon it is that it must reasonably tend to correct some evil or promote some interest of the state ... *Markham Advertising Co., Inc. v. State*, 73 Wash.2d 405, 421-22, 439 P.2d 248 (1968) (quoting *Shea v. Olson*, 185 Wash. 143, 53 P.2d 615 (1935)). The clean up by respondents of Burnt Bridge Creek and Vancouver Lake, along with measures to prevent flooding in the entire drainage basin, are well within the definition of police power as health, safety or welfare measures.

Notably, courts in other states have held such charges to be part of a general police power. In *Craig v. Macon*, E. 1976, the court held that even though appellants "garbage removed by [the city] contained no 'service'", the supreme Court held that which the city acted to regulate, intended the population. As a particular example, the statute enabled the city to impose measures to meet the public health needs, which were only incidental to the scheme: the payment of the costs of that program went into a specific purpose to pay for a health program, the validity.

[7] The rationale applies to the instant case. It requires that all clear water be maintained in a special fund to pay the costs of maintaining storm water control facilities, as in *Craig*, the character of which as a charge is health or safety law, though appellants do not call it a "service". See *Hobbs, Ltd. v. Shearport*, Ld., 76 N.M. 196 (1966). In *Hobbs*, thebage collection or trash removal by property owners for the benefit of the community. There the court held that the process violation did not violate the ordinance in a head-on collision because charges are not merely expenses of garbage removal, but expenses of the entire community. Appellants received the removal of insects, etc. *Bowling Green, Inc. v. Lake Charles*, 35

So.2d 654 (1965); *Glendale v. Trondsen*, 48 Cal.2d 93, 308 P.2d 1 (1957).

Accordingly, we hold that the County had statutory authority to impose the charges upon appellants and that those charges are constitutionally valid under the police power.

III

The County determined that appellants' properties contributed to an increase in surface water runoff. We turn now to a review of the reasonableness of that decision by the court.

[8-11] Where a court is asked to review a legislative decision, the applicable standard of review is the "arbitrary and capricious" test. See *Torver v. City Comm'n of Bremerton*, 72 Wash.2d 726, 731, 435 P.2d 631 (1967). A legislative determination will be sustained if the court can reasonably conceive of any state of facts to justify that determination. *Ace Fireworks Co. v. Tacoma*, 76 Wash.2d 207, 210, 455 P.2d 935 (1969). To be void for unreasonableness, an ordinance or resolution must be "clearly and plainly" unreasonable. *Ace Fireworks*, at 210, 455 P.2d 935. Thus, appellants have a heavy burden of proof that the respondents' actions were wilful and unreasonable, without regard for facts and circumstances. *Miller v. Tacoma*, 61 Wash.2d 374, 390, 375 P.2d 464 (1963).

On the issue whether respondents' legislative determination was made in a reasonable manner, respondents submitted various documents related to their decision-making process. One such document was the deposition of John Ostrowski, Director of Public Works for the City of Vancouver and former Assistant Director of Public Works for Clark County.

[12] In his deposition, Mr. Ostrowski identified the methods used by the County to determine (1) the boundaries of the Burnt Bridge Creek Utility, and (2) whether the properties included within those boundaries contribute to increased surface water runoff. One method utilized by the County was examination of contour maps

of the drainage basin to determine the direction of the flow of surface water in that basin. The County then made in-field inspections to verify that the maps correctly identified the boundary lines of the basin. The County also made on-site inspections of a number of specific properties within the basin to ensure that the water runoff actually flows toward the creek. Thus, based on the contour maps, survey and engineering reports done by consulting firms in prior years, and on the County's numerous on-site property inspections, the County determined that appellants' properties contribute to surface water runoff in Burnt Bridge Creek drainage basin.

Certainly, the record shows that the legislative decision was not made in an arbitrary or capricious manner, without regard for facts and circumstances. Respondents considered the specific contours of the properties involved, utilized both standard engineering knowledge and engineering studies of the specific area, and performed in-field verification of the drainage basin boundaries and water flow in arriving at the determination that appellants' properties contribute to increased surface water runoff. The resolutions involved here were passed at open meetings of the County commissioners. Accordingly, we find that when it included appellants' properties among those which contribute to the increase in surface water runoff in the Burnt Bridge Creek drainage basin.

[13] In support of their motion for summary judgment, appellants submitted affidavits from several of the appellants who live close to the creek. These affidavits each indicated that no surface water flows from their properties into the creek and that all rain water percolates into the soil and the underlying gravel beds and is diffused by underground channels. Appellants now argue that these affidavits create a genuine issue of fact as to whether appellants' properties contribute to runoff in the basin.

Appellants' argument misconceives the nature of judicial review of a legislative decision. Because our review is limited to

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Cite as 704 P.2d 131 (Wash. 1985)

determining whether the ordinances and resolutions passed by respondents are arbitrary or capricious, we do not undertake to ascertain whether appellants' properties actually contribute to increased surface water runoff.

The affidavits of appellants have no bearing on the reasonableness of the respondents' decision-making process, which occurred several years prior to the swearing of those affidavits. The affidavits did not form a part of the data considered by respondents in making their decision and are thus not relevant to our review of that decision.

We have assured ourselves that respondents' decision to charge appellants for water management services was reasonable; our review ends at that point. Accordingly, because appellants have failed to meet their burden of proof that respondents acted in a wilfully unreasonable manner when they included appellants' properties among those to be charged, we affirm the trial court's order of summary judgment on that issue.

IV

We now turn to the question whether the method employed by the County to compute the charges was valid. Respondents based the charges on formulae devised after studies of engineering reference material, aerial photographs, contour maps, and on-site examinations of some of the properties within the drainage basin. Appellants argue that the rate scheme devised by respondents is arbitrary and capricious merely because no consideration was given to the individual characteristics of each of the properties charged.

[14-16] Appellants carry the burden of proof that the rates are unreasonable. *Fazee v. Grandview*, 48 Wash.2d 342, 352, 294 P.2d 402 (1956). The rates are presumptively reasonable; they will be presumed unless it appears, from all the circumstances, that they are excessive and disproportionate to the services rendered. *Fazee*, at 352, 294 P.2d 402. We again apply the definition of "arbitrary" set out

in *Miller v. Tacoma*, 390, 378 P.2d 464: "wilful action, without consideration for facts or circumstances."

[17] In the present case, we classified the properties as computing the charges. The hydrologic impact of the use of the properties on (1) water quality, (2) water quantity, and (3) streamflow were determined by standard engineering knowledge. Estimated rates of per acre per month for land in each of the following single family residence complexes, (1) residential schools; (2) retail, commercial, airports, utility, industrial, manufacturing, etc. Thus, the charges are based on intensities of use and the amount that use to surface area in collection. Owners of residential lots pay the same rates as lots with more impervious areas, commercial areas are charged on the size of the lot.

[18-21] We find that the method employed by the County to compute the charges was valid. Respondents based the charges on formulae devised after studies of engineering reference material, aerial photographs, contour maps, and on-site examinations of some of the properties within the drainage basin. Appellants argue that the rate scheme devised by respondents is arbitrary and capricious merely because no consideration was given to the individual characteristics of each of the properties charged.

Morse, at 812, 226 P.2d 214 ("

each class must be in different classes may be required, not matter-

what the name of the class is." *Annot., Validity and*

Classification by Municipal

Sewer-Use Rates, 61

(1975); *Port Orchard v. Wash.*

Wash.2d 59, 141 P.2d

[22] Appellants contend that the County acted unreasonably in determining its rate scheme.

submitted numerous documents which show how and why the rate schedule was devised. The rate of \$15 per year for each single family residence is not so excessive nor so disproportionate to the services rendered (overall drainage basin management) as to be called arbitrary. Appellants have not been able to prove that respondents acted in a willfully unreasonable manner, without regard to facts and circumstances, by merely asserting that the rates are arbitrary because respondents did not individualize each rate.

V

Lastly, we consider the question whether these charges are actually taxes and if so, whether they are valid. We undertake this discussion as a point of clarification, since neither party has argued the question.

This court distinguished a "fee" from a "tax" in *Hillis Homes, Inc. v. Snohomish Cty.*, 97 Wash.2d 804, 659 P.2d 193 (1982). In *Hillis*, the counties involved passed ordinances which imposed "fees" on new residential developments as a condition of plat approval. These fees were to be used to pay for the additional services necessitated by the new developments. Significantly, the counties acted pursuant only to the general grant of police power in Const. art. 11, § 11; the counties did not have any express statutory or constitutional authority to impose the fees.

[23] In distinguishing between a "fee" and a "tax", we stated that if charges are intended to raise money, they are actually taxes. Conversely, if the charges are primarily tools of regulation, they are not taxes. Finding that the ordinances in *Hillis* clearly provided that the fees be applied to offset costs of specific services, and that the ordinances made no provision for regulation, this court held that the fees were actually taxes. Because counties cannot

impose taxes based only on a general constitutional grant of police power and no express authority existed to tax, we held the tax invalid.

[24] Conversely, both the County resolution and the City ordinance in the present case refer to regulation and control of storm and surface waters. Furthermore, the Burnt Bridge Creek Interim Management Board Report¹ indicates that the purpose of the ordinances is regulatory, with the charges only being collected to pay for the necessary regulatory actions (e.g., runoff control ordinances, erosion control ordinances, and septic tank regulations). As further evidence of regulatory intent, this report states at page 3 that the County will "[a]dopt a single plan for the drainage area that will govern the public and private actions in the basin."

Accordingly, because the primary purpose of these ordinances is regulatory, the charges are properly characterized as "tools of regulation", rather than taxes.

[25, 26] Even if the charges in the present case were actually taxes, these charges would not be automatically invalid. Unlike the situation in *Hillis*, RCW 36.89 expressly authorizes the county to impose these charges. However, if these charges are characterized as authorized taxes, the charges must be uniform as required by amendment 14 of our state constitution. That amendment states in part:

All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only.

Const. art. 7, § 1 (amend. 14).

[27] In interpreting that amendment, this court has stated that absolute uniformity in taxation is not required. If the sys-

tem is administered in a systematic, nondiscriminatory manner, it meets the requirement of amendment 14. *Sator v. Department of Rev.*, 89 Wash.2d 388, 344, 572 P.2d 1094 (1977). This court has also held that legislative bodies have broad power to classify for the purposes of taxation.

BAUMAN BY CHAPMAN v. CRAWFORD
Cite as 704 P.2d 1181 (Wash. 1983)

term is administered in a systematic, nondiscriminatory manner, it meets the requirement of amendment 14. *Sator v. Department of Rev.*, 89 Wash.2d 388, 344, 572 P.2d 1094 (1977). This court has also held that legislative bodies have broad power to classify for the purposes of taxation.

While all taxes upon persons in the same class should be equal and uniform, the question of what persons shall constitute the class is one primarily for the legislature to determine ... unless clearly arbitrary and without any reasonable basis.

Pacific N.W. Annual Conference of the United Methodist Church v. Walla Walla Cy., 82 Wash.2d 138, 144, 508 P.2d 1361 (1973) (quoting *Bates v. McLeod*, 11 Wash.2d 648, 120 P.2d 472 (1941)).

[28] In the present case the rate classifications are based upon a determination that industrial, commercial, and other properties which are highly developed contribute more to water runoff, due to increased impervious surfaces, than do single family residential developments. All single family residential properties pay the same rate and the other properties pay according to a formula which applies equally to all properties in each category. The charge imposed is uniform as to each member of each category and is based on engineering studies and averages. Accordingly, even if the charges are characterized as taxes, they are both statutorily authorized and uniform, and are valid.

The order of the trial court is affirmed.

DOLLIVER, C.J., and UTTER, DORE, BRACHENBACH, CALLOW, GOODLOE and DURHAM, JJ., concur.

ANDERSEN, J., concurs in the result.



104 Wash.
Donald T. BAUMAN
guardian ad litem,
and Lydia Bauman

Robert S. CRAWFORD

No. 50

Supreme Court
En B.
Aug. 8,

Suit was brought bicyclist against motorist who injured bicyclist in an intersection. The court held that the bicyclist reduced by 95% his negligence. Bicyclist's claim for damages was rejected. Supreme Court, Pearson, J., held that a violation of statute by age does not constitute per se, but may be introduced as evidence; (2) violation of minor side to 16 might be evidence of negligence that reasonable child, of maturity, and would not have acted under same circumstances was remanded for liability, new trial not required; and (4) nor from operation doctrine would apply in any case already tried, since the doctrine's application to for appeal.

Reversed and remanded.

Brachtenbach, J., joined; James, J., joined; and Lee, J., joined.

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889 WL 264928 (Ind.A.G.)

Office of the Attorney General
State of Indiana

Opinion No. 89-9
April 25, 1989

Honorable June Potter
Auditor of Randolph County
Box 102, Courthouse
Chestnut, Indiana 47394

Dear Auditor Potter:

This is in response to your request for an opinion concerning exemption of churches from tangible property taxes under Indiana Code Chapter 6-1-1-10 and exemption procedures to obtain tax exemptions under Indiana Code Chapter 6-1-1-1.

ANALYSIS

After considering Texas Monthly, Inc. v. Bob Bullock Comptroller of Public Accounts of the State of Texas, 109 S.Ct. 890 [57 L.W. 4168] (Feb. 21, 1989) and Walz v. Tax Comm'r, 397 U.S. 664 (1970), concerning clauses in the First Amendment to the United States Constitution (the Establishment Clause and the Free Exercise Clause) as made applicable to states by the Fourteenth Amendment, it is my opinion that all educational, literary, scientific, charitable and religious organizations should be treated the same by the county auditor and the county board of review with the single exception subsequently noted for certain churches or religious organizations.

All should be notified and given the same applications and information forms. The county auditor should forward all the applications and information forms which are returned by the applicants to the county board of review.

The county board of review should approve or disapprove the application as provided in Indiana Code Section 6-1-1-7 and otherwise follow the Code. If churches or other religious organizations are unable to fill out Form 136 (Application for Property Exemption), because it is contrary to their religious belief, the Free Exercise Clause of the First Amendment of the United States, as made applicable to the States by the Fourteenth Amendment, may apply. The Free Exercise Clause was not raised in Texas Monthly, Inc., *supra*.

The State Board of Tax Commissioners has established a procedure to deal with these special cases.

They have provided that in lieu of the completed form, the affected religious organization can send a letter during the filing period, Indiana Code Section -1-1-11-3, or during the time limits if applicable under Indiana Code Section -1-1-11-5 to the county auditor stating that it is unable to complete the form due to its religious beliefs.

When a church or other religious organization sends such a letter to you, it should be forwarded to the county board of review for use in allowing or

sallowing a tangible property tax exemption.

If the county board of review disapproves the exemption in such cases, the county auditor shall follow the procedures provided in Indiana Code Section 6-1-11-7(c).

If the county board of review approves the exemption in such cases, the county auditor shall follow the procedures provided in Indiana Code Section 6-1-11-8.

Article 10, s 1 of the Constitution of Indiana provides that the Indiana General Assembly may exempt from property taxation property being used for principal, educational, literary, scientific, religious or charitable purposes.

Article 10, s 1 has been held to apply only to property taxes under a general levy. See Miles v. Department of Treas. (1935), 209 Ind. 172, 199 N.E. 72, appeal dismissed 298 U.S. 640, 56 S.Ct. 750, 80 L.Ed. 1372 (1936); Enner-Coryall Lumber Co. v. Indiana Unemployment Comp.Bd. (1940), 218 Ind. 202 N.E.2d 776, cert. denied 312 U.S. 698, 61 S.Ct. 741, 85 L.Ed. 1132 (1941).

The legislature must enact legislation for property to be tax exempt from property taxation. Article 10, s 1 is not self-executing, as the language used herein is permissive rather than mandatory. See Indiana University Foundation v. State Board of Tax Commissioners (1988), Ind.Tax, 527 N.E.2d 1166.

Taxpayers who qualify for one exemption may qualify for another as well. See C.A. Corporation v. State Board of Tax Commissioners (1988), Ind.Tax, 528 N.E.2d 125, citing Community Christian Church, Inc. v. State Board of Tax Commissioners (1988), Ind.Tax, 523 N.E.2d 1360; Indiana Association of Seventh-Day Adventists v. State Board of Tax Commissioners (1987), Ind.Tax, 512 N.E.2d 936; State Board of Tax Commissioners v. Wright (1966), 139 Ind.App. 70, 215 N.E.2d 57.

The Indiana General Assembly has enacted Indiana Code Sections 6-1-10-16 and 6-1-10-21 exempting property held for religious purposes from property taxation.

Indiana Code Section 6-1-10-16 reads:

Buildings and land used for educational, literary, scientific, religious or charitable purposes --(a) All or part of a building is exempt from property taxation if it is owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes.

(b) A building is exempt from property taxation if it is owned, occupied, and used by a town, city, township, or county for educational, literary, scientific, fraternal, or charitable purposes.

(c) A tract of land, including the campus and athletic grounds of an educational institution, is exempt from property taxation if:

(1) a building which is exempt under subsection (a) or (b) is situated on it; and

(2) the tract does not exceed:

(A) fifty (50) acres in the case of:

(i) an educational institution; or

(ii) a tract that was exempt under this subsection on March 1, 1987;

or

(B) fifteen (15) acres in all other cases.

(d) A tract of land is exempt from property taxation if:

(1) it is purchased for the purpose of erecting a building which is to be owned, occupied, and used in such a manner that the building will be exempt

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under subsection (a) or (b); and

(2) the tract does not exceed:

(A) fifty (50) acres in the case of:

(i) an educational institution; or

(ii) a tract that was exempt under this subsection on March 1, 1987;

or

(B) fifteen (15) acres in all other cases.

(e) Personal property is exempt from property taxation if it is owned and used in such a manner that it would be exempt under subsection (a) or (b) if it were a building.

(f) A hospital's property which is exempt from property taxation under subsection (a), (b), or (e) shall remain exempt from property taxation even if the property is used in part to furnish goods or services to another hospital whose property qualifies for exemption under this section.

(g) Property owned by a shared hospital services organization which is exempt from federal income taxation under section 501(c)(3) or 501(e) of the Internal Revenue Code is exempt from property taxation if it is owned, occupied, and used exclusively to furnish goods or services to a hospital whose property is exempt from property taxation under subsection (a), (b), or (e). [Emphasis added].

Indiana Code Section 6-1.10-21 reads:

Churches or religious societies.--(a) The following tangible property is exempt from property taxation if it is owned by, or held in trust for the use of, a church or religious society:

(1) A building which is used for religious worship.

(2) Buildings that are used as parsonages.

(3) The pews and furniture contained within a building which is used for religious worship.

(4) The tract of land, not exceeding fifteen (15) acres, upon which a building described in this section is situated.

(b) To obtain an exemption for parsonages, a church or religious society must provide the county auditor with an affidavit at the time the church or religious society applies for the exemptions. The affidavit must state that:

(1) all parsonages are being used to house one (1) of the church's or religious society's rabbis, priests, preachers, ministers, or pastors; and

(2) none of the parsonages are being used to make a profit.

The affidavit shall be signed under oath by the church's or religious society's head rabbi, priest, preacher, minister or pastor. [Emphasis added].

CONCLUSION:

It is, therefore, my Official Opinion that a church or religious institution may be exempted from tax without violating the Establishment Clause of the First Amendment of the United States Constitution as made applicable by the Fourteenth Amendment of the United States Constitution to the States if educational, literary, scientific or charitable organizations are treated the same.

However, the Free Exercise Clause of the First Amendment of the United States Constitution, as made applicable to the States by the Fourteenth Amendment to

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the United States Constitution, may apply to churches or religious organizations where it is contrary to their religious beliefs to complete the application forms.

If a church or religious organization sends a timely letter to the county auditor stating that it is contrary to its religious beliefs to complete the application, the county auditor should send the letter together with the applications of other organizations filing for tax exemptions under Indiana Code Chapter 6-1.1-11.

The county board of review should approve or disapprove the exemption for the churches or religious organizations who have sent such a letter.

After approval or disapproval, the county auditor should then follow the procedures in Indiana Code Sections 6-1.1-11-7(c) and 6-1.1-11-8 in the same manner as it does for other organizations.

Respectfully submitted,

Linley E. Pearson
Attorney General of Indiana

Margarett L. Knight
Deputy Attorney General
1989 Ind. OAG No. 9, 1989 WL 264928 (Ind.A.G.)

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OTICE: THIS OPINION HAS NOT BEEN RELEASED FOR PUBLICATION IN THE PERMANENT LAW
REPORTS. UNTIL RELEASED, IT IS SUBJECT TO REVISION OR WITHDRAWAL.

SARASOTA COUNTY, Appellant,

v.

SARASOTA CHURCH OF CHRIST, INC.; Mt. Moriah Christian Church; Northside Christian Church of Christ; Faith Baptist Church/Nikomis; Gulf Coast Tabernacle, Inc.; Englewood Assembly of God; Calvary Bible Church; Christ Lutheran Church; and Liberty Baptist Church, Appellees.

No. 93-01902.

District Court of Appeal of Florida,

Second District.

June 24, 1994.

Richard E. Nelson, Richard L. Smith and Michael S. Drews of Nelson, Hesse, Smith, Widman, Herb, Causey & Dooley, Sarasota, and Robert L. Nabors, Gregory L. Stewart and Sarah M. Bleakley of Nabors, Giblin & Nickerson, Tallahassee, for appellants;
Stephen F. Ellis and I.W. Whitesell, Jr., Sarasota, for appellees.

PER CURIAM.

*1 [1][2][3][4] Appellant Sarasota County, challenges a final judgment in a class action lawsuit that declared invalid, as to members of the class, the special assessments levied for appellant's Stormwater Environmental Utility, pursuant to Sarasota County Ordinance No. 89-117. Appellees, as members of the class, cross-appeal the same final judgment insofar as it validates special assessments levied by appellant for fire and rescue services. The class represented by appellees consists of religious organizations or entities owning real property within Sarasota County and used exclusively for religious purposes. We affirm on both the appeal and cross-appeal. In doing so, we observe that the issues have been clearly presented and delineated both here and in the trial court. Likewise, the trial judge has well articulated and addressed the issues in the final judgment. When presented with such a final judgment for review, we find no need to re-survey the same ground or re-state or plagiarize Judge Whatley's efforts. Therefore, in affirming the judgment as intended, we quote extensively from it and, with certain minor modifications, approve and adopt it as our own as follows:

The issues in this case are whether Churches should pay for fire and rescue services and stormwater management services which are levied as special assessments. Churches are exempt from taxation [FN1], but subject to payment of special assessments. The Plaintiff, Churches, have timely protested any such payment for the special assessments at issue in this cause.... The Plaintiff, Churches, have therefore exhausted all administrative remedies so as to allow them to move to this judicial forum.

Few would argue, and these churches do not, that Churches should [not] pay for special assessments that are in the form of improvements abutting or contiguous to church property and providing a special benefit to such property. Examples of such special assessments would be sewer lines,

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The definition of a special assessment is probably best stated in the case *City of Boca Raton v. State*, 595 So.2d 25 (Fla.1992). At page 29 of that opinion, the following language is set forth:

"... A legally imposed special assessment is not a tax. Taxes and special assessments are distinguishable in that, while both are mandatory, there is no requirement that taxes provide any specific benefit to the property; instead, they may be levied throughout the particular taxing unit for the general benefit of residents and property. On the other hand, special assessments must confer a specific benefit upon the land burdened by the assessment ... It is imposed upon the theory that that portion of the community which is required to bear it receives some special or peculiar benefit in the enhancement of value of the property against which it is imposed as a result of the improvement made with the proceeds of the special assessment. It is limited to property benefited, is not governed by uniformity and may be determined legislatively or judicially ... There are two requirements for the imposition of a valid special assessment: First, the property assessed must derive a special benefit from the service provided ... Second, the assessment must be fairly and reasonably apportioned among the properties that received the special benefit."

*2 See also Black's Law Dictionary—6th Edition (Special Assessments page 16) and Special Assessments, Sec. 15-148 (Fla. June 2d 210) (1992).
Until the late 1960's special assessments seemed to exclusively encompass improvements as opposed to services. However, in the late 1960's and thereafter cases arose which, without altering the definition of a special assessment, and without further explanation, deemed certain services to be special assessments. [FN2] This transition seemed to strain the definition and historical meaning of a special assessment. For example, in addition to the language set forth in *City of Boca Raton v. State*, *supra*, the following language is contained in *St. Lucie County Ft. Pierce Fire Prevention and Control District v. Higgs*, 141 So.2d 744 (Fla. 1962) wherein the Court stated the following at page 746 of its Opinion:

"To be legal, special assessments must be directly proportionate to the benefits to the property upon which they are levied and this may not be inferred from a situation where all property in a district is assessed for the benefit of the whole on the theory that individual parcels pecuniarily benefitted in the ratio that the assessed value of each bears to the total value of all property in the district."

The first issue to address in this cause is that of Fire and Rescue Services rescue services in this Opinion are synonymous with ambulance services). Even he Plaintiff, Churches, conceded this issue as a "gray area". Churches have two significant obstacles concerning this issue. The first is the existing case law as enumerated in *Fire District No. 1 of Polk County v. Jenkins*, *supra*, and *South Trail Fire Control District, Sarasota County v. State*, *supra*. Specifically, these cases have recognized fire and related services as valid special assessments. The second obstacle for the Plaintiff, Churches, on his issue is rooted in the history of how many churches have paid for fire and rescue services for the past 20 years or more. They have paid, seemingly without protest, for fire and rescue services via one form or another of special assessment. The recent escalation in the amount of such charges have generated much of the current church protest. However, the issue is propriety of fire and rescue services as a special assessment and not the amount of the

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charges therefore. Accordingly, the Defendant's Affirmative Defense of estoppel is well taken and indeed applicable to this issue of fire and rescue services.

The remaining issue is that of stormwater management services. Unlike fire and rescue services, the Plaintiff, Churches, never paid for stormwater management services until Sarasota County passed Ordinance No. 89-117.... This ordinance changed the payment of such services from a tax base, from which churches are exempt, to a special assessment base, from [sic] which churches are compelled to pay.... Ironically, vacant land owners paid for stormwater management services when the collection was via a tax but are now exempt from paying under the special assessment format.

*3 Stormwater management services are, without question, both necessary and essential.... However, such services [as planned and funded pursuant to Sarasota County Ordinance No. 89-117] benefit the community as a whole and provide no direct benefit, special benefit, increase in market value or proportionate benefit regarding the amount paid by any particular land owner. No evidence was presented of any direct or special benefit to any of the church properties involved in this lawsuit. Accordingly, these stormwater management services do not meet the definition of a special assessment. It is interesting to view Defendant's Exhibit B which confirms stormwater management revenues for fiscal 1991 exceeded expenditures by 50% (e.g., \$2,000,000+00).

If services are allowed to routinely become special assessments then potentially the exemption of Churches from taxation will be largely illusory. For example, a review of Plaintiff's ... [evidence] reveals[s] that the significant majority of items presently comprising the ad valorem tax base are services by nature. A domino effect could ensue if special assessments are continually expanded to include generic services....

Judge John W. Peach, in the Third Judicial Circuit, seemed to draw the proverbial "line in the sand" on this issue in his recent Opinion [FN3]. The Foxx case dealt with special assessments and the homestead exemption. A pertinent portion of Judge Peach's decision states the following:

"... The charges levied actually provide only a general benefit to the community and property throughout the county as a matter of law as opposed to a special benefit to any particular property and accordingly the charges are not special assessments or assessments for special benefits as that term is used in the Constitution." Page 12

Without this "line in the sand" the tax exempt status for churches will, in all likelihood, disappear.

Based on the foregoing, the Court finds:

- Plaintiffs have exhausted their administrative remedies so as to enable them to pursue this litigation.
- Fire and rescue services ... are valid special assessments for which [Plaintiff] churches and other members of the class must pay their proportionate share; and alternatively, the Defendants [sic] estoppel defense is applicable to the fire and rescue issue so that the Plaintiff Churches and other members of the class are estopped from contesting payment for said services.
- Stormwater management services [as planned and funded by Sarasota County Ordinance No. 89-117] ... are not a valid special assessment and are, in fact, services whose revenues should be raised through the taxation method. As such, Corp. (C) West 1994 No claim to orig. U.S. govt. works

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the Plaintiff Churches and other members of the Class are exempt from the
payment of such services; and further, said Plaintiff Churches and other
members of the class are entitled to a refund of all monies paid pursuant to
the stormwater management special assessment.
*4 Affirmed.

CAMPBELL, A.C.J., and THREADGILL, J., concur.

SCHOONOVER, J., concurs in result only.

FN1. Section 3(a) under Article VII of the Constitution of the State of Florida, Florida Statutes Sec. 196.012(1) and Florida Statutes Sec. 196.192(1).

FN2. Fire District No. 1 of Polk County v. Jenkins, 221 So.2d 740 (Fla.1969) and South Trail Fire Control District, Sarasota County v. State, 273 So.2d 380(Fla.1973)--With these two cases dealing with fire district services as valid special assessments; and Charlotte County v. Fiske, 350 So.2d 578(Fla.2DCA1977)--With this case deeming garbage disposal services as a valid special assessment.

FN3. Foxx v. Madison County, etc. Case No. 390-161-CA, Third Judicial Circuit in and for Madison County, Florida. This case is presently on appeal. A copy of this Circuit Court Opinion has been filed in the Court file.

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January 10, 1995

City Utilities Committee
Sam Talarico, Chair

Honorable members of the Committee, thank you for your consideration of this letter.

It is a difficult task, to be sure, formulating a fair and equitable plan that will cover the maintenance and repair costs of this city's storm-water sewer system. We all benefit from it; we all need to share the cost of its up keep. It serves the over-all good of the community.

Two key questions have been raised concerning the church on this matter:

- 1) Can the church be exempt from this user fee.
- 2) Should the church be exempt from this user fee.

In addressing the first question "Can churches be exempt", three areas need to be examined:

- 1) The U.S. Constitution
- 2) The Indiana State Constitution
- 3) Title 8 of the Indiana State Code

The U.S. Constitution Allows for Exemptions

A United States Supreme Court case titled *Walz v. Tax Commission, 1970* held that a property tax exemption for religious property used solely for religious worship did not violate the Establishment Clause. In 1993, an Idaho court used the *Walz* case to state that "Statutory tax exemptions for religious organizations are not prohibited by the Establishment Clause." They also stated that exemptions for churches were a valid means for government to limit its otherwise potentially destructive effects on religion.

The Indiana State Constitution Allows for Exemptions

Article 10, Section 1 states: "The general Assembly may exempt from property taxation any property in any of the following classes: Property being used for municipal, educational, literary, scientific, religious or charitable purposes;". It has been concluded that a property tax exemption is permissible, but not mandatory.

Title 8 of the Indiana Code

It has been concluded from a reading of the Indiana Code, Title 8, Article 1.5, Chapter 5, Section 7(b), that an exemption from user fees is prohibited to any entity, including churches. That section of Title 8 states: "The board, after approval by the legislative body of the municipality, may assess and collect user fees, from all of the property of the storm water district for the operation and maintenance of the storm water system."

The conclusion reached and in use by this City Council, is invalid and inconsistent when compared with conclusions of similar language.

Validity

First, my challenge as to its validity:

The only proper and logical conclusion that can be reached from a reading of this code is: “The board may assess and collect user fees from churches.”

Allow me to use a proper syllogism to demonstrate my conclusion:

Major Premise: The board...*may* assess and collect user fees, from all of the property of the storm water district.

Minor Premise: The storm water district contains churches.

Conclusion: The board *may* assess and collect user fees from churches.

To conclude that the board must assess and collect user fees from churches would render the following:

Major Premise: The board...*may* assess and collect user fees, from all of the property of the storm water district.

Minor Premise: The storm water district contains churches.

Conclusion: The board *must* assess and collect user fees from churches.

The changing of the word “may” in the major premise to “must” in the conclusion incorporates what is logically known as a “formal fallacy”, and renders the conclusion invalid.

Inconsistency

The conclusion is also, inconsistent when compared to conclusions of similar language. Recall, the conclusion of Article 10, Section 1 stating “*may* exempt from property taxation”, was that an exemption was *permissible*, but not *mandatory*. However, the conclusion reached of “*may* assess and collect user fees”, has been considered *permissible*, and *mandatory*. Clearly, there is an inconsistency in the methods used to reach each conclusion.

Can churches be exempt from storm water user fees? Yes; the U.S. Constitution, the Indiana State Constitution, and Title 8 of the Indiana Code, all allow an exemption.

Conclusion

Finally, I would conclude by briefly addressing the second question: Should churches be exempt.

For a better part of this nation’s history, the church had been treated separately from all other entities. This is why Thomas Jefferson penned the phrase “a wall of separation” to

the Danberry Baptist Society in 1802, insuring them freedom from governmental intrusions.

No other entity in this nation's history, or even the history of the world, has done more in attending to the poor, caring for the sick, or sheltering the homeless than the church. And in the area of crime, Jefferson said that religion was the best prevention as it is the only thing that deals directly with the heart.

This city, which has received accolades of "Most Livable City" is now experiencing a record amount of murder. Our need for a strong, vibrant, and free church is as great now, as it has ever been.

As you have been advised, the 1989 Opinion of the Indiana State Attorney General, #9 which stated: "that all educational, literary, scientific, charitable and religious organizations should be treated the same..." was deemed "nonbinding dicta" and was summarily disapproved in the 1994 Opinion of the Indiana State Attorney General, #4. She concluded that churches can be treated as separate from all other entities.

Steps taken by you, this city's Council, that would ensure the church's strength, protect it's freedom, and treat it as separate, would certainly serve the greater good of this community.

I strongly urge you, dear Honorable members of this Committee, to reconsider your position as to whether churches may be exempt from this user fee.

Thank you.

Respectfully,



Anthony A. Amstutz

Associated Churches

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Ree Vernon Graham</u>	<u>5024 Wheaton Ct.</u> <u>46835</u>
2. <u>Bethie J. Cappelman</u>	<u>1757 Holman, FW</u> <u>46805</u>
3. <u>Marine Baederman</u>	<u>2909 Mayland</u> <u>46807</u>
4. <u>Clown Graham</u>	<u>5024 Wheaton Ct</u> <u>46835</u>
5. <u>Elizabeth Polyenes</u>	<u>1605 Victoria Lane city</u> <u>46816</u>
6. <u>Donna J. Wilkinson</u>	<u>5515 Old Mill Rd, FW</u> <u>46807</u>
7. <u>Jane K. Hoffman</u>	<u>1881 Westgate Dr., FW</u> <u>46808</u>
8. <u>Richard D. James</u>	<u>Caberry Temple - Ft. Wayne, Ind.</u>
9. <u>Jim Blodorn</u>	<u>2421 S. Hanna Ft Wayne</u> <u>Ind.</u>
10. <u>Arthur S. Bishman</u>	<u>2515 E. St. Thadaz</u> " <u>46815</u>
11. <u>Jeff P. Stegich</u>	<u>5805 Dartmouth Dr</u> " <u>46835</u>
12. <u>Carol Hattie</u>	<u>5128 STANISH DR.</u> " <u>46806</u>
13. <u>Mel McFall</u>	<u>2702 Chichester Lane</u> <u>Ft Wayne</u> <u>46815</u>
14. <u>V.H. Gandy</u>	<u>10203 Concord Woods, Ft Wayne</u> <u>46804</u>
15. <u>Brig. Irene</u>	<u>4142 Sandhurst Dr.</u> <u>Ft Wayne</u> <u>46815</u>
16. <u>Jeanette Koenken</u>	<u>7370 Harold Dr.</u> <u>Ft Wayne</u> <u>46835</u>
17. <u>Frances Culbertson</u>	<u>7306 Rollinsdale Dr.</u> <u>Ft Wayne</u> <u>46835</u>
18. <u>Bonnie Piecken</u>	<u>4534 Woodway Dr.</u> <u>Ft Wayne, In</u> <u>46835</u>
19. <u>Dorothy Longworth</u>	<u>1509 Flagstone Dr.</u> <u>W. Wayne, In</u> <u>46815</u>
20. <u>James Luster</u>	<u>5820 Lori Lane</u> " " <u>46804</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Jane Barneman</u>	<u>6947 46th Ave</u> <u>46835</u>
2. <u>Ginger Haunfelder</u>	<u>1922 Oakland St.</u> <u>46808</u>
3. <u>Thelma Brown</u>	<u>1420 Melrose</u> <u>46808</u>
4. <u>Mary E. Hillard</u>	<u>6504 Georgetown Ln Ft Wayne IN</u> <u>46815</u>
5. <u>Wenda Stabler</u>	<u>6508 Georgetown Lane Ft Wayne</u> <u>46815</u>
6. <u>Gladys Walker</u>	<u>3709 E Sherman Ft Wayne</u> <u>46806</u>
7. <u>Freda Wiedenholt</u>	<u>1503 Paulding Rd Lot 57</u> <u>436-3549</u>
8. <u>Margaret Allen</u>	<u>6205 Lambs Lounre Dr</u> <u>745-1809</u>
9. <u>Robert J. Heick</u>	<u>6611 Hinchcliff St. Ft Wayne</u> <u>46809 478-1018</u>
10. <u>Phyllis Remond</u>	<u>5821 Lee Lane Ft. Wayne IN</u> <u>46804</u>
11. <u>Dorothy Wiggs</u>	<u>5840 Monarch Dr</u> <u>46815</u>
12. <u>Lisicle Woods</u>	<u>2215 Drake Dr.</u> <u>46819</u>
13. <u>Dorothy Siebert</u>	<u>7405 Baylor Drive</u> <u>46819</u>
14. <u>Gene Saxon</u>	<u>6506 Redbird Dr.</u> <u>46825</u>
15. <u>Patry Tinkle</u>	<u>1909 Alabama Ave.</u> <u>46805</u>
16. <u>Betty Vandewort</u>	<u>1408 Dodge Av</u> <u>46805</u>
17. <u>Margaret S Dippold</u>	<u>1326 Dodge Ave</u> <u>46805</u>
18. <u>Costila Brown</u>	<u>815 Putnam</u> <u>46808</u>
19. <u>Clifford Parker</u>	<u>901 W King Barnett IN</u> <u>46738</u>
20. <u>Edith Smith</u>	<u>7205 Bluffton Rd</u> <u>46809</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Ruth Ellison	2445 Fairfield, Fort Wayne
2. Marcella Wickmyer	3020 Whitigate Ft Wayne, In
3. Jean Dornell	6230 Crotton Dr.
4. Mary Habig	2510 Greenway Fort Wayne
5. Myrtle Sharpe	2937 Westbrook Dr #2057 46805
6. Leref Dunn	4004 Leevesonia
7. Ruth Keler	727 Wellwood #64 FW-06
8. Margaret Christmas	4111 Reed St. 46805
9. Georgiana Peavera	1616 Smith St. 46806
10. Hazel Thomsche	4685 Smith St 46806
11. Mary Koeder	3323 Rockwood Dr 46815
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Paul Waites	2558 SOUTH ANTHONY, FT. WAYNE 46803
2. Susan Voter	P.O. Box 105, Leo, IN 46765
3. Sis Mary Bryant	4414 Richfield Lane Ft Wayne IN 46816
4. Michael S DePew	3704 Chester St. Ft Wayne IN 46803
5. RAY + NORMA SHADIE	6018 Moeller Rd Ft Wayne IN 46810
6. Margaret J. Polcig	3226 Schell Ave Ft Wayne IN 46816
7. Harold L. Gandy	3226 Schell Ave Ft Wayne IN 46803
8. Fred Murray 963 E. Wash Bl Apt 207A Ft. Wayne, IN 46803	
9. Marion Waites	2558 S Anthony Ft Wayne IN 46803
10. Angela Bryant	4414 Richfield Ft Wayne IN 46816
11. Ray Bryant	4414 Richfield Ft Wayne IN 46816
12. Jerry Bryant	3515 Cedar St Ft Wayne IN 46803
13. Debbie Voter	13002 Ewing St Leo IN 46765
14. Sarah Campes	3308 Schell Ave Ft Wayne IN 46803
15. Johnny Cingers	3508 Schell Ave Ft Wayne IN 46803
16. Michael Bower	13510 Page Rd Grabill, IN 46741
17. Anne Bower	13510 Page Rd Grabill, IN 46741
18.	
19.	
20.	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

CHRIST TEMPLE CHURCH
1327 Winter STREET
PAGE 1082

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STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|----------------------|--|
| Gloria Williams | 1230 E. Lewis |
| Lawrence R. Worthy | |
| Sarah Lee Washington | 1425 Fletcher Ave |
| Jennifer Woods | 929 E. Berry St |
| Robert Woods | " |
| Lillie Denee | |
| Daleen Cobijn | 5305 Winter St |
| A. C. Cutchall | 5305 Winter St. |
| Family of Alonzo | 525 LaSalle |
| Bessie Browne Lee | 1409 Devonson |
| Edna Jackson | 5910 Spring Creek |
| Elysene Carter | 6205 Drakes Bay Run |
| Thorne Nassar | 3226 Halton Ave |
| Karen Rizzo | 2428 Pittsburgh St. |
| Rebecca Walker | 2641 Stardale Dr. #604 46816 |
| Erin Brock | 3333 Adirondack |
| Gwendolyn Woodsom | 128 W. Leith |
| Maria Freeman | 10026 Chester Woods Dr., Ft. Wayne, IN 46825 |
| Donda Holden | 6334 Salisbury Dr., Ft. Wayne 46816 |
| Euthia Davenport | 2341 Stardale Drive |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

CHRIST TEMPLE CHURCH
1327 Winter St.
PAGE 2 OF 3

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Garrell Davenport	2541 Stardale Drive
2. Sonday Brooks	3333 Adirondack Dr.
3. Evans Brooks, Jr.	3333 Adirondack Dr.
4. Pepi Pagan	251 E. Hoover Dr.
5. Matthews Jordan	251 E. Hoover Dr
6. Pastor E. C. Atwood	5304 Inland Trail
7. Irene Grundy	1403 Hwy 51
8. Melinda K. Page	4233 Alverado Dr.
9. Tiffany M. Shanahan	4844 Winter St
10. Michael Q. Shanahan	4844 Winter St
11. Amy M. Cecil	458 Buchanan St.
12. Ruby Lani	953 S. Hayes St.
13. Henry & Sta. Savage	7604 Brush Ave.
14. Willie Bright Savage	7604 Brush Ave.
15. Debra C. Page	4511 Albert Dr
16. David L. Page	4511 Albert Dr)
17. Jerry Carlton	6205 Drake's Bay Run
18. Jeff Thomas	111 E. Pettit
19. KelliShay Thomas	111 E. Pettit Ave.
20. Jody Lewis	2506 Capitol Ave.

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

CHRIST TEMPLE CHURCH
1327 WINTER ST
PAGE 3 OF 3

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Yvonne Braster	643 Candelite Ct.
2. Michael & Kim Happle	2111 Catalpa St
3. Nancy Frank	2516 River Lane
4. Crystal Brunelle	5002 Selena Ln.
5. Dennis Chapman	3817 Robinwood Dr.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Catholic Sisters - Diocese
of St. Wayne + South Bend

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Angelia Walczyk	913 Union St. Ft Wayne IN
2. Martha Wordeman	913 Union St. Ft. Wayne
3. Judith Turnock	913 Union St. Ft. Wayne, IN 46802
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

St. John's Missionary
Baptist Church

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No. on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Canie L. Foupkes	4023 Lillie
2. Sam Wright	1228 tulip tree RD
3. ROBERT CHARLTON	5111 DE ROME, DR.
4. Mitchell W. York	4428 Mondale Dr.
5. Ann Hopkins	4125 Bowser ave
6. Back Carter	4406 Huber St
7. Mary & Prosser	2924 May St.
8. James Prosser	2924 May st.
9. Eddie Cook	3308 S. Hanna St
10. Lydia Smith	509 E Creighton
11. Suzette Phillips	1916 Mathias
12. Wilkerson	3606 Reynolds St
13. Suzanne Beasley	3606 Reynolds St
14. Ray Macpherson	3021 N. Ardmore
15. Cottrell Kyle	5021 H east Cassel
16. Suzanne Kyle	5031 Hessen Cassel
17. Cynthia Huckleberry	5021 Hessen Cassel
18. Savon L. Starks	3112 Frosch Dr.
19. Joan Stark	3119 Frosch Dr.
20. Wilson L. Starks	3112 Frosch Dr.

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>BUSTER STARKS</u>	2912 ELMDALE DR.
2. <u>ELBERT WYATT</u>	4410 MARVIN DR.
3. <u>EUGENE JOHNSON</u>	3810-NEWPORT
4. <u>James Lowery</u>	1930 GUMP Rd
5. <u>Joyce Cedweel</u>	1032 Faewood Ave.
6. <u>Ruby Fleming</u>	6025 S. Hanna
7. <u>Veraline Jewell</u>	6025 S Hanna St
8. <u>Eva Haines</u>	2430 Armsby St.
9. <u>Eula Huckleberry</u>	5910 Husen Court St
10. <u>Gretta Cook</u>	3042 Schley
11. <u>Virginia Lynch</u>	3205 S. Monroe St
12. <u>Pretty Clancy</u>	3701 Reynolds
13. <u>Philippa West</u>	2523 Reliance Dr. 46818
14. <u>Sarah Phillips</u>	4922 Dorsetta. 46816
15. <u>Mary J. Laury</u>	1930 Gump Rd. 46825
16. <u>Elva B. Frazier</u>	6816 Melvern St. 46816
17. <u>Maurita Hicks</u>	250 N. Kincaid 46806
18. <u>Nauntie Gordon</u>	2501 Capitol Ave
19. <u>Brenda K. Chaney</u>	3013 Stolman St
20.	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
Wylene Bennett	1329 E Lewis St.
Christine Bennett	129 E Gemini St.
Seth Pennington	4723 Fairfield
Jonell Patterson	3308 S Hanna
Carrie M. Harris	
Beralline Sandell	2500 Sherwood
Doris Green	300 Mono Creek Dr.
Releas Chaney	8201 Bridge Dr. #B
Selma Williams	1434 E Butterfield
Margaret McCampbell	5102 Woodmark Dr.
Cynthia Jones	267 E Hoerner
Betty Johnson	3406 S. Abbott
L. Michelle Jordell	2530 Sherwood Drive
Jonicee Johnson	4761 Winter
Shatanya Hogue	3523 Lillie St.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. G.W. Williams	2504 Farfor Rd City
2. Maria Williams	585 E. Main St. City
3. Amy Nichols	7404 Hope Farm Rd City
4. Robert E. Nichols	7404 Hope Farm Rd. City
5. Dennis Williams	2604 6th St City
6. Mildred Williams	2519 Driftwood
7. Julia Syph	3920 Plaza Dr City
8. Amastine Hayes	4509 Hayward Dr.
9. Nedra Weegee	6825 Remond Dr.
10. Marvin L. Phillips	7922 Rosette Dr. City
11. John Bowman	3523 Hillie Blvd
12. Ruby Moore	5118 Chippewa Ln.
13. Debbie Yates	3322 Bowser Ave.
14. Leonel Yates	3322 Bowser Ave.
15. Robert Lovell	438 E. Creighton Ave.
16. James Russell	3305 Morelene Dr.
17. Clerin Wells	724 Oaklawn Ct
18. Erma Lawrence-Marsh	2934 Euclid AV
19. Joe Marsh	2934 Euclid AV
20.	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Betty Stephen	448 E Creighton
2. Gladie Bright	3115 Robinwood Dr.
3. Lynce Brown	1301 Greene St GIA
4. Linda Rynd	2922 S. Monroe st.
5. Norma Bpol	2912 S. Monroe st.
6. Beverly Hopkins	2034 Chastell Dr.
7. Pepper Egaley	244 E Woodland
8. Betty Eastley	244 E Woodland
9. Alice Simmons	912 WARSAW
10. Cherry Stephen	448 E Creighton
11. Deborah Wright	6501 Wayne Trace
12. Jason Hawken	3205 Indiana Dr.
13. Arnold Thomas	1139 E Leida st
14. Kip & St. Johnson	
15. Lebolda Miller	4125 Powers Ave
16. Eddie Steele	3031 Adams
17. George Bright	2715 Raymond
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Ymae Pletter	3226 Congress Ft Wayne 46806
2. Mrs. Frances Muff	9928 Western Park Dr. Ft Wayne 46806
3. Stella Gordon	2501 Capital Ft Wayne 46806
4. pillow Abernathy	3905 Monroe St. Ft Wayne 46806
5. Arthur Lehman	1806 Dixiel city 46806
6. Shirley Bennett	3919 Monroe Ft. Wayne, IN 46806
7. Michelle Wells	784 Oaklawn Ct. 46803
8. Mr. & Mrs. Hazel Coxey	4115 Avondale Dr. Ft Wayne, IN 46803
9. Mr. & Mrs. T. A. La	4514 S. Park Dr. Ft Wayne 46806
10. Carla Bookner	4646 Heatherwood Dr. Ft Wayne 46815
11. Mary K. Los	4514 S. Clark Dr. Ft. Wayne, IN 46806
12. Karen Theresa Ess	4115 Avondale Dr. IN 46803
13. Nancy Billingsley	1019 E. Ludlow St. Ft Wayne 46806
14. Tamiko S. Billingsley	" " "
15. Leonard Billingsley	" " "
16. Vickie L. Billingsley	" " "
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Grace B. Johnson</u>	<u>1139 E. Lewis</u>
2. <u>Evelyn Jackson</u>	
3. <u>Pearline Collins</u>	
4. <u>Sonella Campbell</u>	<u>3701 Greenwood Dr.</u>
5. <u>Mrs. Perkins</u>	
6. <u>Fran Potts</u>	<u>520 E Creighton</u>
7. <u>TRAVIS WORTHAM</u>	<u>6230 CHADDSFORD DR</u>
8. <u>George Santa</u>	
9. <u>EDWARD</u>	<u>2715 RAYMOND</u>
10. <u>Janice Wright</u>	<u>4519 Spatz</u>
11. <u>Monica Hill</u>	<u>5111 Hill St</u>
12. <u>Samuel Duckleberry</u>	<u>1026 Hamilton</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Jeanne Whysatt	4428 Avondale Dr.
2.	Bessie Woods	4536 Austin Dr.
3.	Sally Rusnak	7408 Regent Dr.
4.	Michael Marique	3822 Bent Dr.
5.	Julian Charlton	5711 Le Game Dr. Ep
6.	Ronseur Thomas	6025 So Hanna St.
7.	Regina K. West	2833 S. Monroe
8.	Dorothy Mack	1906 Rio Vista Dr.
9.	Don May	2501 Western PK.
10.	Thelma Marion	4761 Winter St.
11.	Leonta G. Russell	3305 Mono Glen Dr.
12.	Mellie Napoles	4125 Bowser Ave 46806-4428
13.	Sylvana Collins	962 OAKBURN CT
14.	Jan Spordan	2501 CAPITOL AVE
15.	Glenda Phillips	6021 Bent Dr.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Ronald J. Henselkampf</u>	<u>2130 Embassy St. Fort Wayne</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Northside Missionary Church

(D)

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Andie W. McWay	2040 Eljetta St. Ft. Wayne,
2.	Paul & Skinner	3726 37th St. Ft. Wayne
3.	Werner C. Wheeler	1908 Sinclair Ft. Wayne
4.	Edwin & Leanne Bruehl	3742 Northland Dr. Ft. Wayne
5.	Paul Fulks	3928 N. W. 52nd CTR RD Ft. Wayne
6.	Guanna Bogard	810 Lillian Fort Wayne IN 46808
7.	MANON BOYER	810 Lillian Ave Fort Wayne IN 46808
8.	Hedra & Jones	3521 Butler Rd. Fort Wayne IN 46808
9.	Clyde R. Smith	3518 Butler Rd. Fort Wayne IN 46808
10.	Elizabeth Cromer	4105 Patrick Ln. Ft. Wayne IN 46808
11.	Beverly Keele	1328 Huron St. Ft. Wayne IN 46808
12.	Don Stahl	712 Russell Ave Ft. Wayne IN 46808
13.	Julie Parker	16429 Hackberry Dr. Ft. Wayne IN 46825
14.	Charles P. Park	16429 Hackberry Dr. Ft. Wayne IN 46825
15.	Cheryl Ewers	2511 Simon Rd. Shubertown IN 46748
16.	Connie S. Roose	6033 Yellowstone Dr. Ft. Wayne IN
17.	Ernest Matthew	1722 Purdue Dr. Ft. Wayne IN
18.	Terry Clark	658 Archer Ave Ft. Wayne, 46808
19.	Marilyn Ryan	805 Russell Ave. Ft. Wayne IN 46808
20.	Virginia L. Ryan	805 Russell Ave. Ft. Wayne IN 46808

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Betty Keesler</u>	1328 Huron St. Fort Wayne In 46808
2. <u>Lewis Tralock</u>	1305 Spring St Ft Wayne 46808
3. <u>Douglas Z. Voth</u>	1902 RIEDMILLER FT W. 46802
4. <u>Rose Marie Watkins</u>	1902 Riedmiller Ft Wayne 46802
5. <u>Walter F. Roze</u>	6033 YELLOWSTONE DR. 46818
6. <u>Ralph Showers</u>	7321 Lakridge Dr. 46819
7. <u>Erma Showers</u>	7321 Lakridge Dr. 46819
8. <u>Maron Barnes</u>	314 Russell Ave.
9. <u>Pat Myer</u>	805 Russell Ave.
10. <u>Debra L. Clark</u>	658 Archer Av.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Marshall Doty</u>	835 W. Wayne St. 62
2. <u>William Hartman</u>	1228 Normandale 46808
3. <u>Kaylene Marquard</u>	6111 Southeast Rd. 46816
4. <u>Marilyn Marques</u>	5605 Leekville 46818
5. <u>Keith D. Korbach</u>	202 E. Maple Grove Ave., City 46806 -2246
6. <u>John Fosdick</u>	539 W. Berry Apt #701
7. <u>Sue McMakin</u>	Box 11544 Ft. Wayne, In 46859
8. <u>Marylou Deppenre</u>	1730 Rough Nest Ft. Wayne 46807
9. <u>Pauline Thompson</u>	1245 W Foster Hwy 46807
10. <u>Don Post</u>	6026 So. Calhoun 46807
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Mary Lee Schmidt	3606 Moda Place
2. Howard Schmidt	3606 Moda Place
3. Juanita Cervin	314 1/2 Millions St.
4. Priscilla Dutto	1506 St. Marys Ave 46808
5. Marge Dougherty	3209 Simcoe Ct 46815
6. Susan Palmer	2121 Monet Dr. 46845
7. Lori Gardner	1211 Louisville Ln 46808
8. Dan Gardner	1211 Louisville Dr 46808
9. Gary Dougherty	3209 Simcoe Ct 46815
10. Jay Pinkerton	5018 Webster Ft W 46807
11. Helen Powell	704 Sabenfield Rd Ft W 46819
12. Sam Denney	1422 E. Center St. Warsaw, IN 46580
13. Jefferson J Kennedy	5507 Albany Cr Ft Wayne, IN 46835
14. DEBBIE D. Frazier	4715 Little St Ft Wayne
15. Raymond & Charlotte Larson	15038 Paulling Rd. Ft. Wayne
16. Hazel L. Dill	
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Patricia Houser</u>	<u>2227 Cimarron Pcs</u>
2. <u>Sarah Battaw</u>	<u>7509 Thompson Ave.</u>
3. <u>Barbara Dull</u>	<u>6750N-200E Huntington</u>
4. <u>C. Thomas McCoy</u>	<u>4712 OFAWA DR.</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Lester Baier</u>	<u>5201 Fairfield</u> <u>46807</u>
2. <u>Robert H Lawburgh</u>	<u>6613 Parsons Ct</u> <u>46815</u>
3. <u>Laurine Lawburgh</u>	<u>6613 Parsons Ct.</u> <u>46815</u>
4. <u>Marlene Crowder</u>	<u>3206 Senate</u> <u>46806</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Sally Gutting	Sally Gutting 1711 Lakewood Dr.
2. David Dorothy	David Cutting 1711 Lakewood Dr
3. Erma Davis	Erma Davis 2331 Speeche Way
4. Margaret Page	3424 Berkwood Dr 46805
5. Marie Rohrer	4229 So. Calhoun
6. Cara Dell Johnson	6723 S Anthony - 16
7. Ethel Leibold	2914 Thompson Ave
8. Mabel Dennis	6409 Melville Drive
9. Viola Wells	6723 S. Anthony
10. Marcia Hall	(836 Lake Frontage Circle 46815
11. Cleo Campbell	5565 S. Wayne ave
12. Mildred Reid	2211 S. Macaday Place
13. Virginia Painter	VIRGINIA PAINTER 4115 Buell Dr 46807
14. Mary Elizabeth Bird	2305 Hiawatha Blvd. 46807
15. Oliver Corcoran	1437 S. 3rd Street 46805
16. Marie Corcoran	1437 S. 3rd Run 46808
17. Frances Gantz	7703 Verona Dr. 46816
18. Miriam Clevenger	5836 Radcliffe Dr. 46816
19. Scott Franklin	715 Blake Dr. F.W. 46804
20.	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Brian Snell	207 S. Seminole Cir.
2.	Deborah Smith	207 S. Seminole Cir.
3.	Laura Hope	4432 Ave. for Ave 46807
4.	Doris Anne Esenich	809 W Packard 46807
5.	Lillian McClinton	3419 Portage 46802
6.	Margaret Lilevia	3020 Shimer Dr. 46807
7.	Harold Miller	3020 Shimer Dr. 46807
8.	Jay Powell	704 Swanfall Rd 46819
9.	Harold E. Pease	5108 E. State 46815
10.	Karen Marquart	6723 Skelton 46816
11.	Michaeline M. Jones	937 Shirley 46807
12.	Carole White	4102 Indiana Hills 46809
13.	Lena Shearer	6223 S. Anthony E. 525 46816
14.	Terry Everhart	912 W. Wildwood 46807
15.	Ralph Q. McNeal	1335 PARK AVE 46807
16.	Endy Frick	328 Brynmar 46807
17.	Virginia Tate	1658 Conington Rd. E 320 46804
18.	Jane Hartke	3319 Legayelle Pass 46806
19.		
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Jayl Denay</u>	1250 Korte Lane 46801
2. <u>Charlotte Trenary</u>	1250 Korte Lane 46807
3. <u>Phyllis K Brown</u>	1005 Kennard
4. <u>Gylah Co</u>	317 E Lexington Ct 46806
5. <u>Sherley Z Col</u>	317 E Lexington Ct 46806
6. <u>Dene Barrer</u>	5128 Wostman Ct 46807
7. <u>Jayne Kenworthy</u>	6603 I Calhoun St.
8. <u>Lorraine Brown</u>	9406 Camberwell Dr. 46804
9. <u>Blanche Tandy</u>	2224 S. Calhoun 46802
10. <u>Ruby McBride</u>	3353 Diplomat Dr 46806
11. <u>Helen Crowe</u>	4320-3 Kellough Rd. 46809
12. <u>Megul Gary</u>	202 E FLEMING 46806
13. <u>Ruth Hudson</u>	6306 Salge Ave. 46835
14. <u>Betty A. Brown</u>	3701 Haywood Dr. 46806
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Barbara Baden	6530 Tonbuck Trail Fw.
2.	Maryannette Blomquist	843 Arctic 46819
3.	Suey Leier	1252 St Joe Blvd 46805
4.	Carol A. Nagland	3098 Shawnee Trail 46774
5.	Carrie Cappino	314 W Williams 46802
6.	Jean D'Quelle	610 W. Oakdale Dr 46807
7.	Audrey McCoy	601 Ropbury Ct. 46807
8.	Philly J. Beeson	6925 Westlawn Dr. 46819
9.	John M. Leath	8618 Shawnee Dr 46807
10.	Jane Holly	44885500 E LaOtto Ln 46803
11.	Mary Dangel	448 E Leith 46806
12.	Ann Jenkins	2445 Fairfield #204 46807
13.	Mary E. Eisenacher	3924 North Rd 46804
14.	Al Eisenacher	3924 NUTR 46804
15.	Brenda Badger	7803 Wohams Dr 46819
16.	Wilma Poley	2812 Hilltop Rd 46808
17.	Francis Baden	6530 Tonbuck St 46835
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Beverly Murphy</u>	<u>125 East Taber St.</u>
2. <u>Connie & Ault</u>	<u>1205 Chadwick Dr.</u>
3. _____	_____
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Arthur Fadlun</u>	313 N. Cornell Cir.
2. <u>Suzi K. Wind</u>	1320 Union St. FW
3. <u>Pam Thompson</u>	2524 North Dr. Wayne
4. <u>Mark P. Gould</u>	9346 Auburn Road
5. <u>Bruce Conklin</u>	2330 Webster
6. <u>Ean Whicker</u>	7133 Antebellum Dr.
7. <u>Shaun Huston</u>	1320 UNION St. FW.
8. <u>Julie Easley</u>	4313 Arlington Ave FW
9. <u>Tracy Frederick</u>	313 Cornell Cir.
10. <u>John Ellings</u>	7133 Antebellum Dr.
11. <u>Debra J. Conklin</u>	2330 Webster FW.
12. <u>Chris Vosmeier</u>	929 W. Oakdale Dr.
13. <u>Joe Vosmeier</u>	929 W. Oakdale Dr.
14. <u>Carrie Matz</u>	2503 Capitol Ave.
15. <u>Nancy Kumpf</u>	4801 Arlington Ave.
16. <u>Laurie Atteup</u>	1235 Clark St.
17. <u>Carol C. Lewis</u>	444 W. Fairfax Ave.
18. <u>Rebecca J. Hickey</u>	124 Purdy Dr.
19. _____	
20. _____	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Cheryl Namek	715 Blake FW 46804
2. Eileen Trulock	10281 S.C.R.-500 E -92 ROANOKE, IND
3. Stewart Trulock	10281 S.C.R.-500 E -92 ROANOKE, IND.
4. Maurice W. Page	3424 Kukwood Dr Ft Wayne
5. Willard McCoy	601 Raybury Court
6. Vaughn Todd	4488-S 800E HANCOCK IND.
7. Jolene J. Palmer	1062 1/2 Portland Hwy 46807
8. Geraldine Ault	3021 Webster St W 46807
9. Joyce Blaylock	843 Cedric Dr 46819
10. Helen Kusser	4410 Gaywood Dr 46806
11. June Mitchell	4313 Tacoma Ave 46807
12. Virginia Todd	3002 Kennedy Dr 46815
13. Donald Pepe	4620 Fairfield 46807
14. Jim Brasford	6250 Diana Dr. 46819
15. Alvie H. Bowley	9148 Elmer Dr 46808
16. Kirk Smrosky	223 S. Cornell Cir 46807
17. Kim Salvant	223 S. Cornell Cir 46807
18. Elanie Crawford	2807 Westgate Apt 213 46805
19. Alvin Hartung	1200 1/2 3rd St. NW 46807
20. Dennis Miller	6135 Handmark Dr 46815

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Charly K Crowder	3206 South Ave FW, IN 46806
2. Roy J. F. Leenor	5811 Bayside Dr Ft Wayne In 46815
3. Marilyn Leenor	5811 Bayside Dr. Ft Wayne In 46815
4. Linda Hollings	6315 Winship St Ft Wayne 46815
5. Richard G Hollings	6315 Winship St Ft Wayne IN 46815
6. Verle D Bratton	4225 Fairfield Ave Ft Wayne In 46807
7. Marjorie D. Leath	3018 Shawnee Dr Ft Wayne IN 46807
8. Harold Smith	6018 Landover Rd. Ft Wayne 46815
9. Anabelle Smith	6018 Landover Rd. Ft. Wayne 46815
10. William T. Williams	612 PAULDING RD FORT WAYNE 46816
11. Ella L. Price	5108 E. State Blvd Ft. Wayne 46815
12. J. Nelson	423 W. Sherwood Terr. Ft. Wayne 46807
13. Don C. Nelson	423 W. Sherwood TERR. Ft. Wayne 46807
14. Geneva Duselbow Sr	3425 Glenhurst Ft Wayne IN 46805
15. Blanch L. Duselbow	3425 Glenhurst Ft. Wayne IN 46805
16. Debie A. Armstrong	1240 W. Foster Hwy Ft. Wayne IN 46807
17. Anna B. Brandon	6925 Heatherston Dr Ft Wayne In 46819
18. Edward Mardis	614 West Prechtel Ave Ft Wayne 46807
19. Alice Meadore	611 West Prechtel Ave Ft Wayne 46807
20. Joyce Bink	5201 Fairfield 46807

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Josephine Reich	1818 Westgate Dr. 46808
2.	Laura Baker	Dell Koch Way 46804
3.	Martha L. Molan	5731C Brighton Meadows Dr. 46804
4.	Susan Swanson	4501 Taylor St. 46804
5.	David Stoyanich	1542 Mayflower Dr. New Haven, IN 46774
6.	Pamela S. Hungen	1823 Glenwood Ave. Ft. Wayne 46808
7.	Jennifer L. Boller	Dell Koch Way 46804
8.	John D. Beatty	3817 Knightway Dr. Ft. W. 46815
9.	Judith Brown/Millicent	2922 Florence Dr. Ft. Wayne 46807
10.	Ronald Miller	2932 Florence Dr. Fort Wayne 46807
11.	RALPH TORRES (BULLDOGS)	5910 HESSENCHELL Jeffers 46816
12.	Carol Johnston	1808 Timberlake Ft.Wayne 46804
13.	Barbara Peter	1060 Morning Mist IV 46804
14.	John W. Williams	4017 Indiana Ave. Ft. Wayne 46807
15.	Delona Kerr	918 Easton Tr. Ft.Wayne 46825
16.	Anne St. Richard	2210 Springfield Ave. 46805
17.	Mary Flick	1215 W. Foster 46807
18.	Halena Nelling	4817 Stratton St. 46812-2514
19.	James A. Bond	5011 Vencs (S) 483-7440
20.	Susan L. Johnson	1704 Old Lenten Rd. 61657

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>John & Jennifer French</u>	3706 Smith Rd '04
2. <u>Gloria Merton</u>	6611 Kline Dr. 04
3. <u>Alma L Merton</u>	6611 Kline Dr 04
4. <u>Paula D Fearey</u>	6730 Meadow Carter. 04
5. <u>Michael E. Peters</u>	6740 Kiwanis Drive 86835
6. <u>Laura Stevens</u>	1329 W. Till Road
7. <u>John J. Stevens Jr.</u>	1329 W. Till Rd.
8. <u>Charlotte C. Shute</u>	1121 Forest Ave
9. <u>Ann B. Eckrich</u>	4235 Reservoir St.
10. <u>Margaret Tellwouth</u>	7633 Wahaca
11. <u>Dean Gauer</u>	3233 N. Washington Rd 46802
12. <u>Nancy Hershberger</u>	2737 Club Terrace
13. <u>Delma Deardorff</u>	5129 Fall Timber Trl.
14. <u>Tim Eakin</u>	4423 Winding Way Dr.
15. <u>Almo Joy</u>	8207-2 Abner Dr.
16. <u>Rita (Angie) Wilson</u>	10703 Oak Crossing
17. <u>David M. Wilson</u>	10703 Oak Crossing
18. <u>Erin and Davis</u>	1828 Fragment Dr.
19. <u>Gwen Phillips</u>	725 Gaudelite Ct.
20. <u>Patricia Johnson</u>	5011 Vicks 15-

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Virginia Kniley	2420 Wayne Ave 46802
2. Mike McAllan	2530 Breakfast Cr 46807
3. Charles McAllan	2532 Emerson Ave 46808
4. Betty Landolfi	5328 Tyack Ave 46835
5. Shawn R. Hain	6531 Parrott Rd. 46803
6. Tammy McCall	822 Union St. 46802
7. Terrena R. Walker	2910 North Clinton 46805-1910
8. Michael Foyen	1226 W Jefferson 46802
9. Stephen J. Corp	111 W. Berry 46802
10. Roland W. Stephenson Jr.	1542 MacPherson Dr 46874
11. Marie B. Schindler	12115 Wellington Dr. 46845
12. Jennifer Dally	3535 Kirkwood 46805
13. Lynne Martin	2324 Shyamore Hills Dr 46804
14. Dorothy P. Escosa	915 West Wildwood 46807
15. Gordon L. James	4422 Bridgewater Ln 46807
16. Marjorie McCleese	5003 Stratford Rd. 46807
17. Barbara Moreches	3936 Bass Rd. 46808
18. John E. Daugh	1226 W. Jefferson 46802
19. Robert H. Ken	918 EASTON TRAIL 46825
20. June P. Williams	4017 Ind. Ave 46807

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Mr. & Mrs Harry Klein	7186 N 329 E Ft Wayne In 46750
2. Robert + Harriet Parke - 1750 Woodlawn Drive	New Haven 46804
3. Leslie Gallant	4443 S. Wayne Ave.
4. Wayne Peterson	1122 Fairfield Ave. 46807
5. Scott M. Bushnell	4741 C. Rd 60, St Joe IN 46785
6. William Pisinger	3415 Hoosierland Ave. Ft Wayne In 46807
7. Barbara Weir Bushnell	4741 Co Rd 60, St Joe Ind 46785
8. Nels K. Mppfeller	114 N. 11th, Decatur, In 46733
9. Hugh H. Richardson	5934 Sawmill Woods Cr. Ft Wayne. 46835
10. Leslie L. Richardson	5934 Sawmill Woods Cr. Ft Wayne 46835
11. GORDON KENNEDY	1220 VALDOSTA DR FT WAYNE 46825
12. CHRISTOPHER Flick	1215 Foster Dr Ft Wayne 46807
13. Dena Lauer	1150 Brigadier Dr. Ft. Wayne. 46804
14. Michael Richard	2210 Springfield Ave Ft. Wayne 46805
15. Robin E Thomas	921 Jackson St FW 46802
16. Frank K. Gross Jr	3525 Willowdale, F. Wi, 46802
17. Bonnie Hartley	11492 N St. Rd 1 Ossian, In 46777
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Letha Keebler</u>	<u>3707 Parish Dr.</u>
2. <u>Phil Crawford</u>	<u>4842 Royal Dr.</u>
3. <u>Bernice Bowman</u>	<u>6040 Midwood Dr.</u>
4. <u>Carl Hayes</u>	<u>524 Prospect Ave</u>
5. <u>Sharon Springer</u>	<u>11603 Angola Rd.</u>
6. <u>Betty Branfield</u>	<u>1503 E. Paulding Rd.</u>
7. <u>Zildi Burton</u>	<u>903½ Delaware St.</u>
8. <u>Kenneth S. Ford</u>	<u>111 Norfolk Ave.</u>
9. <u>Sue Wenger</u>	<u>11084 SR 37</u>
10. <u>Leanne & Bruce</u>	<u>7526 Starree Ct. Rd.</u>
11. <u>Linda Brager</u>	<u>1515 Ashley Ave.</u>
12. <u>Yukki Brager</u>	<u>1506 Spring Crest</u>
13. <u>Ernie Edgar</u>	<u>4923 Ridgedale Dr.</u>
14. <u>Phyllis Kendall</u>	<u>3452 Plymouth Ln.</u>
15. <u>Michelle Kendall</u>	<u>2907 Canterbury Blvd.</u>
16. <u>Ben & Arnold</u>	<u>3327 Sunbelt Dr.</u>
17. <u>Jessica & Charles Schwart</u>	<u>3311 Montana Dr.</u>
18. <u>Rick Howard</u>	<u>3803 Chrysanth Ct</u>
19. <u>Benjamin Keebler</u>	<u>3707 Parish Dr.</u>
20. <u>Jim Keebler</u>	<u>3707 Parish Dr.</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Butch Kinnison</u>	<u>3419 Courtwood Dr.</u>
2. <u>Gladys Howard</u>	<u>5453 N. Clinton St.</u>
3. <u>Dorothy G. Bristol</u>	<u>5121 DeRome Dr. C.</u>
4. <u>Jean M. Butler</u>	
5. <u>Ruth H. Torrence</u>	<u>4541 Lincoln Rd</u>
6. <u>Josephine Swain</u>	<u>1221 E. California Rd</u>
7. <u>Ray May 1st ave</u>	<u>1826 Sonerthon Dr.</u>
8. <u>Candy James</u>	<u>3905 Finchley Ct.</u>
9. <u>Tom James</u>	<u>3905 Finchley Ct.</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Leayanna Balogh</u>	3353 Vance Ave 46805
2. <u>Jean Stalled</u>	7408 Stonewall Run 46825
3. <u>Betty Edgar</u>	4923 Ridgedale 46835
4. <u>Verde Wilcox</u>	2711 E. State 46805
5. <u>John D. Herold</u>	6433 Tanbark Trail 46835
6. <u>Kim Bair</u>	3724 Davenport Dr. 46815
7. <u>Mary D. Baier</u>	3724 Davenport Dr. 46815
8. <u>Dee Sypher</u>	5702 Hellgas Rd 46818
9. <u>Nasmile & Jasinta Edgar</u>	1329 Lewood Dr. 46815
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Epiphany Lutheran
21

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Taylor J. Morris</u>	<u>5129 Starwood Dr., Ft. Wayne, IN 46835</u>
2. <u>Nick Markoff</u>	<u>8308 LAMPLIGHTER CT., FT. WAYNE, IN 46835</u>
3. <u>Jeffrey Gross</u>	<u>3935 Spanish Tr. FT. WAYNE IN 46815</u>
4. <u>Bob Brune</u>	<u>9924 WASHINGTON ST. LEO, IN 46765</u>
5. <u>R. Matt Nuttel</u>	<u>7041 Lake Forrest Village Circle Ft. Wayne IN</u>
6. <u>Bob Hamming</u>	<u>113 W Wayne, #406 Ft. Wayne, IN 46802</u>
7. <u>Leo A. Neri</u>	<u>6202 Cordova Ct Ft. Wayne, IN 46815</u>
8. <u>Karen May</u>	<u>2611 Oakwood Dr. Ft. Wayne, IN 46816</u>
9. <u>Dave Holtz</u>	<u>1725 Holliston Trl FT WAYNE IN 46825</u>
10. <u>Rev. Steven Albrecht</u>	<u>2914 Bellary Meadows 46724</u>
11. <u>John Dugenthaler</u>	<u>5212 Bedrock Ct Ft Wayne 46825</u>
12. <u>William M. Coker</u>	<u>6317 Undercrest Rd. FT WAYNE 46835</u>
13. <u>Allen D. Christensen</u>	<u>6412 Durango Dr. f + Wayne 46815</u>
14. <u>James B. Wolf</u>	<u>2415 Union Chapel Rd Ft Wayne 46835</u>
15. <u>Josie M. Wolf</u>	<u>2415 Union Chapel Rd Ft Wayne 46835</u>
16. <u>Ruth Meubers</u>	<u>7620 Sunderland Dr. Ft. Wayne 46835</u>
17. <u>Ray L. Barber</u>	<u>7620 Sunderland Dr Fort Wayne 46835</u>
18. <u>Katherine Schmidt</u>	<u>6147 Clifton Dr. Fort Wayne 46835</u>
19. <u>Judy Houts</u>	<u>1725 Holliston Tr. Ft. Wayne 46825</u>
20. <u>Elaine Christensen</u>	<u>6412 Durango Dr Ft Wayne 46815</u>
<u>Tom STAHL</u> <u>10908 Debold Ft. Wayne 46845</u>	
Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.	

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Pam Bak	5929 Blackstone Dr.
2. WAYNE EREXSON	4530 Knoll Rd.
3. Marilyn Erexson	4530 Knoll Rd.
4. Terry M. Land	2010 Legoma Dr.
5. Vivian K. Lundin	2010 Legoma Dr.
6. Grace Patyl	9227 Redfield Dr.
7. <i>[Signature]</i>	" " "
8. Joe Grindway	510 Brenden Way
9. Jim Grindway	510 Brenden Way
10. Cliff Lantz	4408 Marquette Dr.
11. <i>[Signature]</i> Harris	" " "
12. Ray Lyons	706 Law Huntington Rd
13. Rob Lyons	706 Law Huntington Rd.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Janette Smith</u>	<u>6901 Baer Rd</u> <u>Ft. Wayne</u> <u>46809</u>
2. <u>Cynthia Martin</u>	<u>4843 Buell Drive</u> <u>Fort Wayne</u> <u>46807</u>
3. <u>Karen Henderson</u>	<u>6010 Tennessee Ave.</u> <u>Fort Wayne, Indiana</u> <u>46805</u>
4. <u>Dayle Barkley</u>	<u>1620 Godfrey Rd</u> <u>Ft. Wayne</u> <u>46819</u>
5. <u>Kawline Morris</u>	<u>5806 Chester Blvd.</u> <u>Ft. Wayne</u> , <u>Indiana</u> <u>46819</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Joyce Schmucker	3621 Scarborough
2. Helen Schmucker	3621 Scarborough Dr.
3. Lupe Salvador	3104 Yoder Rd.
4. Ramiro Salvador	3104 Yoder Rd.
5. Marvin Bramstetter	1716 Shoreview Dr.
6. Judy Bramstetter	1716 Shoreview Dr.
7. Duane Scattlin	5431 Sand Point Pl.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Christopher Jacobs</u>	908 Woodland Springs Dr. FW
2. <u>James B. Beck</u>	534 Rose, New Haven
3. <u>Robert J. Beck</u>	554 Rose Ave, New Haven
4. <u>James A. Gray</u>	10407 Cinnam Tree Pl.
5. <u>Edward E. Army</u>	"
6. <u>Leanne D. McKenay</u>	10102 Hibiscus Dr.
7. <u>D McKenay</u>	"
8. <u>Randy Worthman</u>	820 PINETREE DR
9. <u>JANINA WORTHMAN</u>	" "
10. <u>John Schumacher</u>	9627 Yearling Dr Ft Wayne
11. <u>Lori Huschey</u>	4417 Rutland Ln. Ft Wayne
12. <u>Matthew G. Huschey</u>	" "
13. <u>Jeffrey R. Wells</u>	7807 Delon Dr. Ft. Wayne 46809
14. <u>Becky Zehr</u>	8909 Spring View Dr. 46804
15. <u>Carol D. Zehr</u>	8909 Spring View Dr 46804
16. <u>Brenda K. Shultz</u>	1001 Hopewell Dr. 46819
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Mr & Mrs Danny Leechly	5206 Chippewa St Ft Wayne In
2. Mr & Mrs Donald Grimes	12211 Bluffton Rd. Ft. Wayne, Indiana
3. Barbara R. Kilman	5922 Calmar Rd. Fort Wayne, Indiana
4. Jack Ryd	
5. Lev Ryd	
6. Howard Bowman	
7. Luis Bowman	
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Violet E. Meyers</u>	<u>6440 Fairfield Ave</u> ⁴⁶⁸⁰⁷
2. <u>Kathleen D. Oak</u>	<u>2705 Marcy Lane</u> ⁴⁶⁸⁰⁶
3. <u>Helen Haff</u>	<u>3915 Elmcrest Dr.</u> ⁴⁶⁸⁰⁹
4. <u>Helen Haff</u>	101 111 119
5. <u>Dorrell Dennis</u>	<u>7211 Juliette Ave.</u>
6. <u>Robert Elliott</u>	<u>1936 Maplewood Rd.</u>
7. <u>Elvina J. Shuler</u>	<u>7104 Avalon Dr.</u> ⁴⁶⁸¹⁹
8. <u>Richard C. Esbark</u>	<u>7513 Kilbourne Dr.</u>
9. <u>Dorothy J. Culver</u>	<u>7513 Kilbourne Dr.</u> ⁴⁶⁸⁰⁹
10. <u>Donald E. Shuler</u>	<u>7104 Avalon Dr.</u> ⁴⁶⁸¹⁹
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Lee Worthman</u>	<u>2824 Deborah Fort Wayne</u>
2. <u>Edna Worthman</u>	<u>7824 Dolores Dr. Ft Wayne</u>
3. <u>Doris Jones</u>	<u>2113 Dale Dr.</u>
4. <u>Connie Johnson</u>	<u>2118 Dale Drive. Hawley</u>
5. <u>Gretha Mark</u>	<u>9409 Mill Run Rd. City</u>
6. <u>Melinda Mabes</u>	<u>1024 Ansley Dr. Ft Wayne</u>
7. <u>Louis E. Mabes</u>	<u>1024 Ansley Dr. Fort Wayne</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|--|--|
| * 1. <u>BETTY R. PIPPETT, Betty R. Pippert</u> | <u>3815 McCormick</u>
<u>Huntington, IN 46742</u> |
| 2. <u>Lorraine & James Blawie</u> | <u>1223 Fairmount Ave</u>
<u>Ft. Wayne 46815</u> |
| 3. <u>Haylee P. Noethne</u> | <u>6517 Birchdale Dr.</u>
<u>Ft Wayne, IN 46815</u> |
| 4. <u>Kay R. Roberts</u> | <u>3938 Fairfield Ave.</u>
<u>Ft Wayne, IN 46807</u> |
| 5. <u>Tina N. Sanders</u> | <u>3123 S. Anthony Blvd</u>
<u>Ft Wayne, IN 46804</u> |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW Proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Jeannette Bessinger	Mary K. Lauer
2. Raymond E. Pappert	Huntertown
3. John Everly	FT Wayne
4. Michael McCall	FT Wayne
5. Wanda Lee Jones	FT Wayne
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Olive Brummin</u>	<u>5723 Mondanilla 46813</u>
2. <u>Pauline Brummin</u>	<u>5723 Mondanilla 46813</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name

1. John M. Bissontz

Address

1574 Dundee Dr.

New Haven, In 46774

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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Janet Huffman</u>	<u>4910 Northfield Drive</u>
2. <u>Bob Huffman</u>	<u>4910 Northfield Dr.</u>
3. <u>Kermit Leineniger</u>	<u>1019 Ardis DR,</u>
4. <u>Makine</u>	<u>" " "</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW Proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Russell Sunday</u>	<u>158 W. Ridgely</u> <u>207 E. DeWald St.</u>
2. <u>Mary M. Hirschman</u>	<u>207 E. DEWALD ST</u>
3. <u>Paul Hirschman, Chairman - Faith Board of Trustees</u>	
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Jeresa L. Woss</u>	<u>2413 E State</u>
2. <u>Sarah Sully</u>	<u>5732 Jonashawk Dr</u>
3. <u>Patricia Robinson</u>	<u>4101 Blazefield Dr</u>
4. <u>Harold Robinson</u>	<u>4101 Bonnebrook Dr</u>
5. <u>Cheryl L. Pruitt</u>	<u>2525 Springfield Ave.</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Lisa Knatzut</u>	<u>4977 coventry PKWY. FW 46804</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>James Crawford</u>	<u>8215 Den Brook Pl Ft Wayne</u> <u>46825</u>
2. <u>Beth & Turner</u>	<u>3612 A Monroe</u>
3. <u>Marguerite Murray</u>	<u>421 Fairview Ln -#1</u>
4. <u>Phyllis Crawford</u>	<u>8215 Den Brook Pl -Ft. Wayne</u> <u>46825</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name

Address

- | | |
|------------------------------|---|
| 1. <u>* Della Flores</u> | <u>5558 Catalpa Lane</u> |
| 2. <u>Carol Whitner</u> | <u>1504 Aberdeen Ln</u>
<u>New Haven, IN</u> |
| 3. <u>Kathy Kreypler</u> | <u>3321 Warsaw City</u> |
| 4. <u>Ruth Belle Whitner</u> | <u>4711 Fairley Dr - Ft Wayne</u> |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name

Address

1. Cathy Daugherty 333 Alvaro 46816
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
* 1. <u>Doug Beck</u>	<u>6836 WEST JEFFERSON AVE</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name

Address

- | | | |
|---------------------------|----------------------------|-----------------------------|
| 1. <u>Marcia J. Myers</u> | <u>1431 Clara Ave</u> | <u>Ft. Wayne</u> |
| 2. <u>Serilla Klein</u> | <u>2516 Forest Ave</u> | <u>Ft. Wayne</u> |
| 3. <u>Larry J. Klein</u> | <u>6322 Allenwood Dr.</u> | <u>Ft. Wayne</u> |
| 4. <u>P.J. Hinsbergh</u> | <u>835 Cedar Creek Rd.</u> | <u>Ft. Wayne 46802-4193</u> |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Mrs. Alice Delmond</u>	<u>5630 Wardheath</u>
2. <u>Mrs. Ouida Alford</u>	<u>3156 Oswego Ave</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name

Address

1. Edwin J Stoddard 5110 Camelot Cr Ft Wayne.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Helen Ford</u>	<u>3424 Beeson Ave</u>
2. <u>Marge Abbott</u>	<u>2024 Ingalewood Rd</u>
3. <u>Ruth Patrick</u>	<u>5505-4 Old Dover</u>
4. <u>Glen G. Patrick</u>	" " "
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Robert Showalter	1223 Providence Dr. 46815
2. Beanna J. Showalter	1223 Providence Dr.
3. Rebecca Dales	7520 Saddleback, CO 46804
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Ernestine Gaultier</u>	<u>2921 Seafarer Cove Ft. Wayne</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Phil Stettler</u>	<u>1108 Oakdale Dr.</u>
2. <u>Betty Stettler</u>	<u>1108 Oakdale Dr.</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Virginia & Raymond</u>	<u>3920 Monks Ft Wayne</u> <u>46809</u>
2. <u>Bernon & Raymond</u>	<u>3920 Monks Rd.</u> <u>46809</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Dawn Field</u>	<u>210 Adams Marion Dr</u>
2. <u>Kirk Sanders</u>	<u>3123 S Anthony Fort Wayne</u>
3. <u>Randy Rostrom</u>	<u>3123 S Anthony Ft Wayne</u>
4. <u>Nickole Foutz</u>	<u>3123 S Anthony Fort Wayne</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Edward Lawson 5925 Smith Road</u>	<u>Fort Wayne</u>
2. <u>Edith Lawson 5925 Smith Road</u>	<u>Fort Wayne</u>
3. <u>Wanita Roberto 5925 Smith Road</u>	
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Tim J. Everly</u>	<u>1106 W. OAKDALE 46807</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Carol Miller</u>	<u>8505 Creekside St.</u>
2. <u>Deloris Beck</u>	<u>6711 W Jefferson Blvd</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Renee Bhandis</u>	<u>7407 Placer Run</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Grace St. Johns
U.C.C.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Heroy Kiess	5717 Hopkinton 46804
2. MARY Hess	2120 Engle Rd 46809
3. Robert J. Clymer	6722 Pennsken Dr. 46819
4. Anna M. Clymer	6722 Pennsken Dr. 46819
5. Cynthia J. Fett	736 Snowfall Rd 46819
6. Robert Reich	5511 S. Union 46807
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>S. Ann Colwell</u>	<u>1110 Fairwood 46816</u>
2. <u>Stella Colwell</u>	<u>1110 Fairwood Ave. 46816</u>
3. <u>Deloris Faulkner</u>	<u>10718 91527 So. 46816</u>
4. <u>Margaret Harnischfeld</u>	<u>4038 Harrow</u>
5. <u>Katherine Sluy Westland Drive</u>	
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Grace L. Oker	6440 Fairfield
2. Ferns Forest	4910 Standard Dr.
3. _____	_____
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Pauline Bracht</u>	<u>5515 Pley Dr. 46806</u>
2. <u>Neil E. Bracht</u>	<u>5606 Robert St. 46805</u>
3. <u>Doris Bracht</u>	<u>5606 Robert St. 46805</u>
4. <u>Marianne Czy</u>	<u>4131 Tacoma 46802</u>
5. <u>Jeanne Peters</u>	<u>225 N. Cornell Circle 46807</u>
6. <u>Robert Peters</u>	<u>225 N. Cornell Cir. 46807</u>
7. <u>Robert W. Schley</u>	<u>7016 Wayne Trace 46816</u>
8. <u>Harriett Speckley</u>	<u>7016 Wayne Trace 46816</u>
9. <u>Ralph Suttmann</u>	<u>16907 Indianapolis R. 1da Dr. 46798</u>
10. <u>Jane Suttmann</u>	<u>16907 Indianapolis R. 1da Dr. 46798</u>
11. <u>Gail Sauerwein</u>	<u>4715 S Wayne Ave. 46807</u>
12. <u>Doris Sauerwein</u>	<u>4715 South Wayne Ave. 46807</u>
13. <u>Melissa Johnson</u>	<u>3327 Oakwood Dr. 46816</u>
14. <u>Ervin H. Miller</u>	<u>5428 Maurane Dr. 46804</u>
15. <u>Virginia C. Miller</u>	<u>5428 Maurane Dr. 46804</u>
16. <u>Donald J. Segoff</u>	<u>215 Edgewood Ave - 46805</u>
17. <u>Herman Deck</u>	<u>2473 Marcy Rd - 46806</u>
18. <u>Mabel Deck</u>	<u>2483 Marcy Rd. 46806</u>
19. <u>Mary Peters Baker</u>	<u>9026 Spring Forest Dr 46804</u>
20. <u>Jeffrey A. Cranford</u>	<u>9026 Spring Forest Dr 46804</u>

(①) Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|----------------------------|----------------------------------|
| 1. <u>Donna Henscher</u> | <u>9720 Reindeer Rd.</u> |
| 2. <u>Reb Sahanen</u> | <u>6622 Hilleboro Ln.</u> |
| 3. <u>Wilbur E Dudy</u> | <u>7017 Ashway</u> |
| 4. <u>Wayne Boddy</u> | <u>261 E. Elementary</u> |
| 5. <u>Ann Clark</u> | <u>1809 Brown St</u> |
| 6. <u>Howard V Foy</u> | <u>5228 Ind Ave. Ft Wayne</u> |
| 7. <u>Howard M Johnson</u> | <u>3327 Oakwood Dr. Ft Wayne</u> |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Larry & Pat Holderbaum	Grace St. John's UCC.
2. along w/ Karen McConnell	Grace St. John's UCC
3. Ken & Urleas Thiele	Grace St. John's UCC.
4. Ruth Bealeck	Grace St. John's UCC
5. GENE Main	Grace St. John's UCC
6. Jim Siebold	Grace St. John's UCC
7. Luella Nline	2316 S. Sherard
8. Helen Evans	Grace St. John's Church
9. Rene Normenman	Grace St. John's UCC
10. Beverly Zyphowski	Grace St. John's UCC
11. Lois M. Webergfall	Grace St. John's U.C.C.
12. Cynthia J. Tetz	
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Faith Lutheran

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name				Address
1.	Douglas & Sonnen	Faith Lutheran Church	1700 E Pettit St	"	"
2.	Nancy Berry	"	"	"	"
3.	Miss Branning	"	"	"	"
4.	Bulah Samor	"	"	"	"
5.	Roland W Kylb	"	"	"	"
6.	Marcille Triple	"	"	"	"
7.	Andrew Lutz	"	"	"	"
8.	Patrick Ely	"	"	"	"
9.	David P M Chan	"	"	"	"
10.	Steven Jacobs	"	"	"	"
11.	Pauline Madibax	"	"	"	"
12.	Sue Rose Ann Kraus	"	"	"	"
13.	Bill Spindler	"	"	"	"
14.	Cleo Swanson	"	"	"	"
15.	Bill Streeter	"	"	"	"
16.	Dale L	"	"	"	"
17.	Rever. Daniel M. Strobel	"	"	"	"
18.	Hulda Bieberich	"	"	"	"
19.	Wolda Reynolds	"	"	"	"
20.	Margaret Cosper	"	"	"	"

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1.	Faith Lutheran Church 1700 E. Pettit
2. <u>Laura Rydell</u>	
3. <u>Jeff Ondrich</u>	
4. <u>Mary L. Harrick</u>	
5. <u>Shadow Church</u>	
6. <u>Steve Pruitt</u>	
7. <u>Mabel Swager</u>	
8. <u>Kristy Cole</u>	
9. <u>Dodge Cole Jr.</u>	
10. <u>Wayne T. Ladd</u>	
11. <u>Suzanne B. Towns</u>	
12. <u>Beverly Cook</u>	
13. <u>Clare A. Oyer</u>	
14. <u>Steve J. Diven</u>	
15. <u>John Thuelle</u>	
16. <u>Gil Mueller</u>	
17. <u>Sanda Wenzel</u>	
18. <u>Donald Corley</u>	
19. <u>Eva H. Tolle</u>	
20. <u>Eleanor C. Masta</u>	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|---------------------------------|---|
| 1. <u>Robert C. Hohenstein</u> | <u>Faith Lutheran Church 1700 E. Pettit</u> |
| 2. <u>H. W. Guenther</u> | <u>3308 Seaville Ave</u> |
| 3. <u>Donna Guenther</u> | |
| 4. <u>Lewis Berry</u> | |
| 5. <u>Lydia Myers</u> | |
| 6. <u>Smith R. Myers</u> | |
| 7. <u>Rosella Blieke</u> | |
| 8. <u>Marguerite Horstmyer</u> | |
| 9. <u>Dollie E. Willman</u> | |
| 10. <u>Judy Bruns</u> | |
| 11. <u>Dixie Bruns</u> | |
| 12. <u>JANE Coffey</u> | |
| 13. <u>Joseph Sackofer</u> | |
| 14. <u>Joan Steere</u> | |
| 15. <u>Bethel and Mary Rose</u> | |
| 16. <u>Frank Crooklito</u> | |
| 17. <u>Wayne Fost</u> | |
| 18. <u>Minnie Ramey</u> | |
| 19. <u>Roland W. Kyl</u> | |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Maryann Kee</u>	<u>Faith Lutheran 1700 E. Pettit</u>
2. <u>Shirley Jacobs</u>	
3. <u>Pauline Kee</u>	
4. <u>William Rathgeber</u>	
5. <u>Diana Rathgeber</u>	
6. <u>Greta C. Gaedel</u>	
7. <u>H C Baier</u>	
8. <u>Corrine Martiny</u>	
9. <u>Bonnie V. King Jr.</u>	
10. <u>Patti Pausel</u>	
11. <u>Antonia B. Davis</u>	
12. <u>Torrie A. Brouwer</u>	
13. <u>Cheryl Kite</u>	
14. <u>Patricia Dill</u>	
15. <u>Virginia Roberts</u>	
16. <u>Nancy Kay Thomas</u>	
17. <u>Susan Moyee</u>	
18. <u>Bob & Linda</u>	
19. <u>Paul & June Stigert</u>	
20. <u> </u>	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|------------------------|--------------------------------------|
| 1. | Faith Lutheran Church 1700 E. Pettit |
| 2. Randy Schimmoller | |
| 3. Robert Wiedelmann | |
| 4. Curt Frede | |
| 5. Marcia K. Marovich | |
| 6. June Connor | |
| 7. Molley L. Bauer | |
| 8. Michael P. Haug | |
| 9. John Roberts | |
| 10. Melissa Mark | |
| 11. Deborah Hohenstein | |
| 12. La Von Barry | |
| 13. Mitchell Lambright | |
| 14. Kristina Rengsley | |
| 15. Cynthia Lemburg | |
| 16. Dick Lemburg | |
| 17. Karen A. Hill | |
| 18. Marlene E. Hall | |
| 19. Mrs. F. King lot | |
| 20. Mr. J. Whay lot | |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Joseph J. Massa	Faith Lutheran Church 1700 E. Pettit
2. Barney J. Massa	
3. John S. Lehman	
4. Nancy Strobel	
5. Lisa M. Deere	
6. Norman J. Deere	
7. Michelle R. Lutz	
8. Kathryn Lutz	
9. David L. Lutz	
10. Sue Stock	
11. LeRoy J. Cook	
12. Daniel M. Ray	
13.	
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Mark Powell</u>	201 W DARKHORN AVE
2. <u>Margie Van Cleave</u>	2627 ALWOOD DR, Ft Wayne
3. <u>Janet Gandy</u>	4414 KENIC WORTH ST.
4. <u>Betty Eisenacher</u>	4003 Meida Paces
5. <u>Marguerite Drahman</u>	831 Ventura Dr
6. <u>Jean Gray</u>	7005 Sprout Ave
7. <u>Hal Wedelius</u>	4118 Rutland Ln.
8. <u>Wes Ferrell</u>	5311 Fairfield Dr
9. <u>Laura Stichom</u>	4301 Plaza Dr.
10. <u>Terry Hinch</u>	3811 Webster
11. <u>Terri Arnold</u>	6208 Chaldeanford Dr
12. <u>Claire Etter</u>	1503 E. Paulding Rd.
13. <u>Sixtine Etter</u>	1503 E. Paulding Rd.
14. <u>Patty Beyer</u>	5828 Winchester Rd.
15. <u>Frances Beyer</u>	5828 Winchester Rd.
16. <u>Gertrude Schueliger</u>	1920 Hazelwood Ave, apt C
17. <u>Audrey Smith</u>	5004- E. Madeline Hayes, Ft Wayne, IN
18. <u>Kurt B. Murphy</u>	1850 FERNDALE DR 46804
19. <u>Dasilva Smith</u>	4510 Lafayette Esplanade
20. <u>John Fuss</u>	5324 Fairfield Ave

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Mt. Mor. E.W. Schlatter</u>	<u>4029 Bellie St</u>
2. <u>Betty Lanzay</u>	<u>5645A South Wayne</u>
3. <u>Harold Andrews</u>	<u>1012 Hueston Ave - Ft Wayne</u>
4. <u>Tom Bly</u>	<u>6601 OAK MILL PLACE FW</u>
5. _____	
6. _____	
7. _____	
8. _____	
9. _____	
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH

518 E. DeWALD STREET
FORT WAYNE, IN 46803

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Donald Stair	4428 Parkview
2. Valerie Goodwin	1925 Sycamore Hills Dr. 46804
3. John R. Cook	1921 Sycamore Hills Dr. 46804
4. Gary Zuber	1818 Park Ave. 46817
5. Shirley Gile	1218 Park Ave. 46807
6. Robert McDonald	6128 Gate Lee Dr. 46830
7. Mark A. Kubiske	2017 Lawrence Ave. 46805
8. Patricia L. Jones	2044 Lawrence Ave. 46805
9. Del D. Irby	3324 W. Monroe St. 46806
10. John & Jeannette	7111 E. 46805
11. Dan M. Cox	2622 Brightwood Ct. 46845
12. George Payette	6918 Pennocker Dr. 46819
13. Helen Kriding	2228 Delavan Rd.
14. Dorothy M. Anderson	3540 Shoopertown 46816
15. Kae B. Boenings	2731 Locust Ave. 46806
16. Elayne Albert	5106 Catherine St. 46835
17. Bernadine Wedenhofer	1555 Hesatur Ave. 46816
18. Maribeth Friesen	710 W. Oakdale Dr. 46817
19. Jim & Kathy Deines	5321 N. Crest Dr. 46825
20. Anne Bracht	601 Stadium, Ft. Wayne 46805

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH
518 E. DeWALD STREET
FORT WAYNE, IN 46803

SAINT PETER'S CATHOLIC CHURCH
518 E. DeWALD STREET
FORT WAYNE, IN 46803

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Dennis Hickman	Ft. Wayne, In.
2. Ed Rushing	Ft. Wayne
3. G.S. Bentz	Ft. Wayne
4. Frank K. Helmung	4332 Rockford Rd. Ft. Wayne
5. Tony Ferenc	3906 Bluffridge Lane Ft. Wayne, In.
6. Guy Jenkins	"
7. Diane Smith	2104 Dale Dr. Ft. Wayne
8. Donald J. Baerle	1506 Spring 46808
9. Garnette Danner	2819 Cherokee Lane NH 46774
10. Dennis Springer	3114 Brimfield Ct. 46815
11. Eugene P. Wagner	3114 Brimfield Ct. 46815
12. James L. Bates	2924 Houser PK. 46806
13. Jim Donk	9833 Blue Mound Dr. 46804
14. Jay M. Spedale	1622 Emerson Av. 46808
15. J.V. Stoll, Jr.	3024 Seward St. 46816
16. Richard A. Miller	3211 Contour 46808
17. Sue Houser	1711 Contour 46808
18. Burkette Artie Price	821 Countrywood Pl. 46805
19. Joseph Hansen	St. John 46808
20. Louise J. Zaffino	1119 Madison St.

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH
518 E. DeWALD STREET
FORT WAYNE, IN 46803

SAINT PETER'S CATHOLIC CHURCH
518 E. DEWALD STREET
FORT WAYNE, IN 46803

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Mary Peterwick</u>	5810 Fernwood
2. <u>Carol Peterwick</u>	5810 FERNWOOD AV
3. <u>John V. Thompson</u>	3221 Rockwood Dr
4. <u>Thomas M. Thompson</u>	3221 Rockwood Dr.
5. <u>Barbara H. Sautin</u>	2220 Heskin Rd.apt. 204 G
6. <u>Frances Jemmer</u>	1621 Presidential Dr. Ft. W.
7. <u>John F. Jemmer</u>	1631 Presidential Dr. Ft. W.
8. <u>Condy L. Brueff</u>	514 Edgewater St
9. <u>Harvey Waggoner</u>	1029 Tennessee
10. <u>Deeanta & Mr. Miller</u>	7713 Valley View Apartments 46815
11. <u>Hoppy Raymer</u>	6945 Lake Forest Village Circle
12. <u>Wanda Jimmison</u>	5440 Lakeside Dr. apt. 101
13. <u>Frank Adams</u>	5862 Tumble Creek Dr. apt. 3
14. <u>Raul & Mary Lubaloyde</u>	120 W. Rudisill 46807
15. <u>Jerry & Linda Burkhardt</u>	2915 Smith St
16. <u>Sadbara Ham-May</u>	15001 Mill Creek Hwy 16
17. <u>Grace Galenberke</u>	510 E. Rudisill 46803
18. <u>Dot Miller</u>	901 W. Rudisill Blvd 46807
19. <u>Betty Smier</u>	425 W. Fleming 46807
20. <u>Portia & D. Voigt</u>	728 Floyd 46807

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH
518 E. DEWALD STREET
FORT WAYNE, IN 46803

SAINT PETER'S CATHOLIC CHURCH
518 E. DeWALD STREET
FORT WAYNE, IN 46803

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Jenny Herhoff</u>	Ft. Wayne, IN
2. <u>John Miller</u>	901 W. Ruessell St. Wayne
3. <u>Hal Tolentino</u>	Ft. Wayne
4. <u>Sylvia Leon</u>	4100 S. Elkhorn St. Ft. Wayne
5. <u>Katherine Flanagan</u>	4330 South Ave Ft. Wayne
6. <u>Theresa Lauer</u>	4117 Shabazz Dr.
7. <u>Robert O'Brien</u>	2215 Kensington Blvd.
8. <u>Patricia M. Klein</u>	2215 Kensington Blvd.
9. <u>Linda Brubaker</u>	3905 Newport Ave
10. <u>Shelley Gruber</u>	2937 N. E. 2nd St.
11. <u>Leviya Giangri</u>	4111 W. Buell Rd. 46807
12. <u>Eugene T. Snyder</u>	6334 Allenwood Dr. 46835
13. <u>Robert J. Miller, Jr.</u>	7713 Dally Meadow Dr. 46815
14. <u>Dorothy R. Warren</u>	1029 Tennessee 46805
15. <u>Thomas H. Hale, Jr.</u>	511 E. Crofton Ave 46803
16. <u>Edna Williams</u>	8321 Bridgeway Ln. 46816
17. <u>Lois & Dale Henklein</u>	1027 N. St. 46802
18. <u>Joe & Sandra Roger</u>	1224 South Fork Trail 46825
19. <u>Anita Chola</u>	12934 Star Dale 46816
20. <u>Elspeth C. Bell</u>	721 Florence 46801

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH
518 E. DeWALD STREET
FORT WAYNE, IN 46803

SAINT PETER'S CATHOLIC CHURCH
518 E. DEWALD STREET
FORT WAYNE, IN 46803

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Alberto S. Path	6614 Orangewood Ct. 46825
2. Helen Trout	1930 Senior Dr. 46805-
3. J. E. Hensel	4114 Buell Dr. 46807
4. Donald P. Chingers	306 E. Hoover Dr. 46816
5. Jerry K. Shiel	2104 Dale Dr. 46819
6. Martha Haegeman	1106 Grant Ave. 46803
7. Frank H. Weber	354 E. Hoover Dr.
8. Candice Bony	514 C Edgewood Dr. 46816
9. Carol A. Koenig	5312 Finch Lane 46818
10. Jerry S. Keener	5322 Finch Lane 46818
11. Greg Tapp	336 Kelly St.
12. Franette Smith	3624 Hickory - City
13. Agnes Tapp	2939 Metacock Dr.
14. Vicki L. Libby	330 W. S. Hanna St. 06
15. Marie D. Jackson	3417 PORTAGE ST.
16. Mayte St. John	4002 FAIRFIELD DR. 46807
17. Betty Mast	315 E. Leibnitz Rd. 46806
18. Aradla Schenck	4065 Fairfield Dr. 46807
19. Mary E. McDonald	6128 Detre Rd.
20. Catherine Shallcross	2214 W. Anthony

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH
518 E. DEWALD STREET
FORT WAYNE, IN 46803

SAINT PETER'S CATHOLIC CHURCH
518 E. DeWALD STREET
FORT WAYNE, IN 46803

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Glen Smith</u>	3629 Hike Ave
2. <u>Kathleen Fox</u>	2114 S Calhoun St
3. <u>Paula Mita</u>	4520 Reed St
4. <u>Forest Jackson</u>	3419 Portage Blvd
5. <u>Sister Cecilia Clark</u>	532 E Madison - 46802
6. <u>Patrick Madden</u>	3826 Maplewest Rd. 46815
7. <u>Brenda Dotter</u>	2811 Decatur Ave 46776
8. <u>John Padilla</u>	6718 Pennickon Rd. Wayne 46819
9. <u>Shawn Kasse</u>	1621 Presidential Dr. New Haven, IN
10. <u>Donald Miller</u>	10507 ...
11. <u>Veronica Rabaferda</u>	100 W Lincoln Hwy. Elkhart
12. <u>Sylvia L. Bruey</u>	3315 N. Washington Road Ft. Wayne 46810
13. <u>Dave Fleming</u>	1309 Sheridan Court FW 46804
14. <u>Paselotte Fleming</u>	1307 Sheridan Ct FW 46807
15. <u>Shonda Day</u>	1220 Oineda, FW 46805
16. <u>Joy Day</u>	6527 Birchdale, FW 46815
17. <u>Leggy Hill</u>	2927 Westbrook Dr. 46805
18. <u>Adi Lakenbruck</u>	1220 Oineda St FW 46805
19. <u>Robert J. Leidemann</u>	1222 Queston Ave. 46807
20. _____	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH
518 E. DeWALD STREET
FORT WAYNE, IN 46803

SAINT PETER'S CATHOLIC CHURCH
518 E DeWALD
FORT WAYNE, IN 46803

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Arthur Michael</u>	<u>7352 S. 30th St.</u>
2. <u>Patricia A. Jones</u>	<u>5720 Venmore Lane</u>
3. <u>Pat Hally</u>	<u>511 Gregorius Ave</u>
4. <u>Joy Moore</u>	<u>6410 Amarillo Dr</u>
5. <u>John Jones</u>	
6. <u>Mr. Alvy D. Clark</u>	<u>2934 Sterling Dr.</u>
7. <u>Richard R. Franke</u>	<u>5830 Sandra Lee Ave</u> 46819
8. <u>Walter R. Els</u>	<u>3229 Scandale Dr</u> 46816
9. <u>Mylynda B. Voigt</u>	<u>2917 Westbrook Dr. Apt 312</u> 46805
10. <u>Mr. & Mrs. Peter Gandy</u>	<u>4301 S. Century 13th St. Dr</u>
11. <u>Watha Tandy</u>	<u>1222 Marcelline</u> 46805
12. <u>Mary Martinez</u>	<u>6117 Decatur Rd.</u> 46816
13. <u>Susan C. Worel</u>	<u>817 Northwood Blvd</u> 46805
14. <u>Winfred Kenya</u>	<u>3811 Westcott Park</u> 46805
15. <u>Carolyn Trinity</u>	<u>54 S. St. Martin</u> 46805
16. <u>Donald Dolbinson</u>	<u>820 Northwood</u> 46805
17. <u>James Brazill</u>	<u>126 W. Oakdale Dr Ft Wayne</u> 46801
18. <u>Lucile Bateheller</u>	<u>420 W. 5th St</u> 46808
19. _____	
20. _____	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH
518 E. DeWALD STREET
FORT WAYNE, IN 46803

SAINT PETER'S CATHOLIC CHURCH
518 E. DOWDALL ST.
FORT WAYNE, IN 46803

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. John S. Hoerner	3222 River Forest
2. Karen L. Verner	2705 a. hill road
3. Monahelle R. Vosmeier	2705 Whitegate Dr Ft Wayne
4. Edward A. Fox	2114 S. Colham
5. Jennifer Myers	4210 Encino Dr.
6. Sharon Myers	4210 Encino Dr.
7. Thomas J. Lad	6431 Wrenclayton Ct 46815
8. Michael R. Knob	1779 Fairview Rd Ft Wayne 46815
9. John Rostami	7418B Mich Rd Ft Wayne, In. 46819
10. Vickie Smith	6628 Goshen Rd Ft Wayne 46819
11. Barbara Nanni	1621 Presidential Dr. New Haven, IN 46774
12. Laura Miller	10507 Longwood Ft Wayne, In.
13. Beth H. Hays	4021 Somerlynn 46806
14. Anthony J. Carbone	123 1/2 Brighton Dr Ft Wayne 46812
15. Monica Parquette	6918 Penbrook Ft Wayne 46819
16. Ann Foy	1327 Woodmen New Haven 46774
17. Scotty & Diane Mai Jube	2006 Penbrook Ln Ft Wayne 46812
18. Beth Foy	9625 Ed Twig Pl. Ft. W. 46804
19. Carolyn M. Miller	21521 N. 16th St. Ft. Wayne, In. 46804
20.	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH
518 E. DOWDALL ST.
FORT WAYNE, IN 46803

Enclosed herewith

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Jeanne Drury</u>	6405 Londonderry Dr. 46835
2. <u>Dale Baker</u>	9521 Tallow Dr. 46804
3. <u>Sharon R. Baker</u>	9521 Tallow Dr. 46804
4. <u>Deanne A. Drury</u>	4624 Mariners Ridge Dr. 46819
5. <u>Robert Wrigley</u>	615 N 500W 468733
6. <u>David L. Bikel</u>	2919 Roseworth Dr. 46805
7. <u>Dave Springer</u>	4506 Low Huntington Rd. 46809
8. <u>Jeanne Valentine</u>	1425 Lakeland Cove 46825
9. <u>Charles Valentine</u>	1425 Lakeland Cove 46825
10. <u>Jean Wolf</u>	3133 Delray 46815
11. <u>Don Nobles</u>	3519 Congress St. 46816
12. <u>Joyce H. Butcher</u>	5719 Lemington Ct. 46809
13. <u>Rebecca Butcher</u>	5719 Lemington 46809
14. <u>Karla Dietzel</u>	3635 Paddock Ct 46802
15. <u>Glen & Mylly</u>	11101 Trails N. Dr., - 46845
16. <u>Ken Clark</u>	2323 LIMA VALLEY DR. 46818
17. <u>Torrell Shaeur</u>	1809 Duprey Dr. 46815
18. <u>Harold Marion</u>	7133 Highland Rd 46745
19. <u>Donald Drury</u>	6405 Londonderry Dr. 46835
20. <u>Robert Trapp</u>	423 W. Ave 46777

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Dorothy Tripp	425 W Rd. 46777
2.	Wade Dallyn	1126 W. Jefferson 46802
3.	Christie S. Brugeth	6703 Old Franklin Rd 46807
4.	Jaret Burnman	5225 Creek 46807
5.	Steddy Squires	4146 Stratford Rd 46807
6.	Claren Squires	4746 Stratford 46807
7.	Mildred Drege	3635 Paddocket. 46804
8.	Crystal Burgett	6703 Old Franklin 46803
9.	Barbara Schmidt	3417 Ozark Ave 46809
10.	Jeanne Schmidt	106 Number L. 46816
11.	Paul Schmidt	106 Number L 46816
12.	Cle Mawman	7133 Hoagland R. 46745
13.	Jack Schmidt	3417 Ozarkas 46809
14.	Don Fairchild	9525 Mullion 46819
15.	Yvethia A. Snider	6107 Stony Brook 46835
16.	Phil Snider	6107 Stony Brook 46835
17.	Evelyn Bickel	2919 Bosworth 46805
18.	Rose Bickel	2221 Pl. W. Dr. 46808
19.	Pam Bickel	2221 Front St. Ft. PR 46808
20.	Jeremy H. Kugler	1500 St. Joe Rd #509 46835

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Richard A Foutz, 3753 Nachrop St. F.W.	
2. O' Monnett 819 Columbia	"
3. Jean Sowman 2830 Nordolme	F.W. 46805
4. Bixby Jenkins 2117 Lima Ln.	F.W. 46818
5. Robert Warkenig 3123 Rockwood	Ft. W. 46815
6. Joel & Lynn Jenkins 2117 LIMA LANE	Ft. Wayne 46815
7. Miller Club	3524 Harrison Ave. Ft. Wayne 46816
8. August & Cleon Zollinger 7921 CAMBRIDGE	Ft. Wayne 46808
9. Karen Holloman 5225 Webster St. Wayne	O.
10. Carol McCarty 2501 Poinsett Dr. F.W.	46807
11. Lester & Violit Platt 1303 Curde, Ave.	
12. Karen Bentema 2917 Heathbrook Dr. #405	H. Wayne, Ind. 46805
13. Mary L Jones 1608 Schilling Ave. H. Wayne, Ind.	46808
14. Anita Jacobs 604 Hale West Blvd	Ft. Wayne 46808
15. Mrs. James Jacobs 604 N. State "	" Ind.
16. Valley Bowdery 2830 Nordolme	
17. Mr & Mrs Kipps & Son	650-57.968 107-005-7768
18. Mary Kershaw 935 Ridgewood Apt 8	31 Wayne
19. Robert & Rosemary Leis 925 Arbordale Pl	
20. _____	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

West 111 and Church of the
Nazarene.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Rev. Harvey Howe	1715 West Main, Ft. Wayne, In. 46808
2. Jewel House	1715 West Main - Ft. Wayne, In. 46808
3. Dorothy England	16702 Anthony Blvd. Ft. Wayne, In. 46816
4. M. R.	2824 KRAMER RD FT. WAYNE IN 46818
5. Donald Brown	801 Grace St Ft Wayne 46802
6. Edith Fowler 921-3 Argent Lane	Ft Wayne, In 46835
7. Lois A. Lasslee	721 Prospect Ft Wayne, In 46805
8. Rose Griffith	300 W. George St. Streetburgh, In 46812
9. Billie C. Price	310 W. Anthony St
10. Helen Lechner	2004 Seminary Rd. Ft Wayne 46805
11. Shirley Gaudie	721 Prospect Ave. Fort Wayne, Ind. 46805-9011
12. Jim Clegg	59 Pheasant Castle Rd.
13. Madalene Tidley	4114 Brunswick Ave 46808
14. Mary Bartels	2127 Senior Dr 46805
15. King B. Houston	2737 V. Washington Ct Rd Ft Wayne, In 46818
16. Sharon Oklahoma	4343 Winter St Ft Wayne, Ind. 46805
17. Tim Bartels	3018 Anthony Blvd Ft Wayne, In 46806
18. Ann May	2737 W. Washington Ct. Rd Ft Wayne, Ind. 46805
19.	
20.	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Phil Mortson	1148 Binning
2.	Dennis Kelley	241 E. Deward St.
3.	Eugene Sampy	2516 Bouselore Rd.
4.	Craig Schell	11435 Robot Rd.
5.	Jerry Soltres	1406 Lincoln St. 46808
6.	Marilyn De La Rosa	7911 Decatur, Road,
7.	Reinaldo & Callahan	2429 S. Lafayette 03
8.	Mrs. Barbara a. Vabine	171 E. State Blvd
9.	Virginia Stearns	530 Faika
10.	Anne Allen Lone church	1303 Redwood DR.
11.	Diana K. Harrell	5710 Standish Dr
12.	Wendy L. McDonald	2836 S. Barr
13.	Nina J. Brown	618 Tennessee Ave.
14.	M. - r. n. G. Hart	1421 Hurst St
15.	Kris Bacon	601 Three Rivers E Apt.
16.		
17.		
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Union Baptist Church

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Karen Adams, 2027 Woodhaven #8	46819
2. William Watson 3505 Bowser	46806
3. Linda Watson 3505 Bowser	46806
4. Sylvia Woodson 2806 Euclid	46806
5. Bette Gunsey 1548 Kitch	46803
6. James R. Wapfield 3330 clermont ave	
7. Denise A. Butler 4843 Royal Dr.	46835
8. Joann L. Shattock 3037 N. Calumet	46803
9. Robin Gray 2821 Bowser Ave	46806
10. Karen Deppen 7633 Welches Blvd	46815
11. Leonard Jordan 7109 Antebellum Dr.	46815
12. Jamie D. Wyatt 10418 Oaktail Rd., FtW	46845
13. Carl Brown 3321 Argyle Dr.	46806
14. Thula Culpepper 2609 Darlene St	02
15. Pat Green 318 E. Wildwood	46806
16. Bill Tracy 3185 Wildwood	46806
17. Dennis C. Gable 6123 Eagle Creek Dr	46804
18. Ted Dennis 5044 Pleasant Run	46835
19. Kathleen K. Hill 3508 Chestnut St	46803
20. Letti M. Brantlett 710 Buell Dr.	46807

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | | Name | Address |
|-----|----------------------|--------------------------------|
| 1. | Patricia Jenkins | 5326 - Columbia Dr. |
| 2. | Tanya J. Dailey | 602 E. Leith St. |
| 3. | Judith M. Green | 4030 Robinwood Dr. |
| 4. | Bobbie J. Jackson | 4404 S.W. Anthony Wayne Dr. |
| 5. | Sherman White | 8313 Winter St Ft Wayne |
| 6. | Yvonne Wright | 2631 Stardale Dr. |
| 7. | Robin Brewer | 2605 Shadyrock Dr. 46806 |
| 8. | James T. Whitaker | 3421 Congress Avenue 46806 |
| 9. | Louise G. Reed | 14810 Fairview |
| 10. | Patricia George | 1298 Summit St. 46803 |
| 11. | Janey J. Cox | 3914 Nottingham Dr 46815 |
| 12. | Dorothy K. Eason | 4601 Wellington Drive 46806 |
| 13. | Betty Lyons | |
| 14. | Jackie Cox | 3914 Nottingham Dr. 46815 |
| 15. | Mary A. Turner | 1504 Hurst St. 46803 |
| 16. | Shelley Smith | 2831 Buckeye Creek 46816 |
| 17. | John & Rosetta Hol | 1635 W. Franklin Ridge Rd. |
| 18. | Eloine Smith | East 918 Harmon St. 46816-6041 |
| 19. | William & Linda Lott | 705 Michigan St. 420-2318 |
| 20. | Barbara Driggs | 4914 Holton Ave 46806 |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|-----------------------|---------------------------|
| 1. Marie Whitehead | 1306 Summit St 46803 |
| 2. Etta M. Systa | 2820 Chastain 46803 |
| 3. Lucille Hill | 7010 Autumnview Dr 46816 |
| 4. Dossie McCormick | 7222 Chadwick Ln 46816 |
| 5. Clinton Lewis | 3105 Plaza Dr. 46806 |
| 6. Marion Allen | 390 E Plaza Dr 46806 |
| 7. Ella Mathes | 736 E Washington Blvd |
| 8. Thelma June | 1220 E. McKee St. |
| 9. Joyce King | 1207 Cinnamon Rd. |
| 10. Wilenda Jones | 4602 46835 |
| 11. Elizabeth Brigham | 1511 Connaught Ct 46815 |
| 12. Delores Smith | 8132 Bridgeway Circle #2A |
| 13. Elsie U. Howard | 835 Prestwick Sq. 46816 |
| 14. Anna Filipek | 8126 Bridgeway Cr. 46816 |
| 15. Sarah V. Hudson | 1911 Coronet Dr 46815 |
| 16. James Kirk | 818 Milton 46806 |
| 17. Robert Singletary | 8525 Palisade Dr 46806 |
| 18. Patricia Day | 3803 Plaza Dr. 46806 |
| 19. Natalie Bowe | 6104 Post Brook Rd 46835 |
| 20. Nelsie June | 1117 m st 46806 |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Brenda Bracan	4938 Pinebrook Dr.
2. Cynthia Bunnell	5210 Buell Rd.
3. Valerie Sanders	7858 Trier Rd.
4. Bessie Faison Johnson	5214 Pleasant Run
5. Donnie Weller	- 3637 Plymouth Rd.
6. Barbara Seal	5005 Lillie St.
7. Amelia Culper	2508 Lillie St.
8. Waymon Brown Jr.	3206 Queen Street 46806
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Jessie Hill Hunter 1427 E. Rudisill Blvd. 46806</u>	
2. <u>Cordie Adams 4634 Barrington Dr. 46806</u>	
3. <u>Sylvester Hunter 1427 E. Rudisill Blvd 46806</u>	
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

FWBT



October 18, 1994

Rev. Vernon Graham
The Associated Churches
602 E. Wayne Street
Fort Wayne, IN. 46802

Dear Vernon:

Because I am leaving for vacation Oct. 24 - November 12th., I am sending theses to you a few days early.

Keep me posted on what happens.

Sincerely,

Chuck

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|---------------------------|---|
| 1. <u>Martha Hester</u> | <u>3024 Brook Valley Pl. Ft. Wayne 46818</u> |
| 2. <u>Connie Smith</u> | <u>3 Country Forest Dr. Ft. Wayne 46818</u> |
| 3. <u>Larry Elder</u> | <u>1721 Scotland Ave. Ft. Wayne 46808</u> |
| 4. <u>Karen M. Elder</u> | <u>1330 Margaret Ft. Wayne 46808</u> |
| 5. <u>Tammi Smith</u> | <u>6001 Oregon Dr. Ft. Wayne 46825</u> |
| 6. <u>Marilyn Borch</u> | <u>1717 CHOCOTINMAR TERR. FT. WAYNE 46808</u> |
| 7. <u>Cheryl S. Bundy</u> | <u>1717 CHOCOTINMAR TERR. FT. WAYNE 46808</u> |
| 8. | |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Mary J Shawans</u>	1119 W 3rd St
2. <u>John C McLemore</u>	1923 Sather Dr
3. <u>Joe Taylor</u>	2744 Paulding Rd.
4. <u>Ram Engle</u>	3422 Maple Grove
5. <u>Edgar T Brown</u>	217 S Hadley Rd.
6. <u>Gillian Brown</u>	217 S. Hadley Rd.
7. <u>Rebecca Beal</u>	4019 Coleman Ave.
8. <u>James Beal</u>	4019 Coleman Dr.
9. <u>Franey Davis</u>	5714 Kimberly Rd.
10. <u>Doug Davis</u>	5714 Kimberly Rd.
11. <u>Steve Hill</u>	17132 McDUFFEE Rd.
12. <u>Jackie Hill</u>	17132 McDuffee Rd.
13. <u>Ron Mc Chesney</u>	10319 Nottawa Trail
14. <u>Chuck Smith</u>	15425 maple ST Huntertown
15. <u>Tom Linn</u>	2521 Cornualis Ave
16. <u>Rhonda Lamb</u>	2521 Cornualis Ave
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Chuck Smith	6001 Oregon Dr 46825
2.	Betty C. Smith	6001 Oregon Dr 46825
3.	Ken Damhorst	829 Villa Ph 46808
4.	Rhonda Damhorst	829 Villa Ph ^{Hawgane} Ind. 46808
5.	Julia Whitfield	1125 W. Third St, Ft. Wayne, Ind.
6.	Rosemary R. Elder	1330 Margaret Ave. FW 46808
7.	Diana Querby	3224 Schaele Ave. Ft. Wayne 46803
8.	Mary J. Myers	825 Mountain Ave. Ft. Wayne 46808
9.	Lizzy Myre	825 Mountain Ave., Ft. Wayne, 46808
10.	Sheryl Mitchell	3632 Maywood Ave. Ft. Wayne, Ind. 46806
11.	Kirkland Z. Taylor	2315-2A Pointe Ln DR, FT WAYNE 46808
12.	Dorely M. Schultz	3110 Evergreen Rd, Ft. Wayne 46818
13.	Henry L. Salinity	" " " "
14.	James P. Brown	2502 Clifton Hills Dr, Ft. Wayne 46808
15.	Jeanie Conner	2502 Clifton Hills Fort Wayne, Ind 46808
16.	Beatrice Swank	8413 Tlough Rd Ft Wayne Ind 46818
17.	Lori Hiffenbush	2100 Ft. Wayne Rd Ft. Wayne, Ind. 46808
18.	John C. McGehee	1922 Pathos Dr. Ft Wayne, Ind 46808-1710
19.	David E. Shawmen	1112 W 3rd St. Ft Wayne Ind 46808
20.	Marcia L. Babcock	4629 Virginia Ave. Ft. Wayne Ind. 46808

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Providence
Baptist
Church

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Hag files</u>	
2. <u>Frances Snugge</u>	
3. <u>Arnold Dewey</u>	
4. <u>Cleen Bratt</u>	
5. <u>Ocie Spearman</u>	
6. <u>Wilbert Esser</u>	
7. <u>Roy & Mary McRae</u>	
8. <u>Sonni Shetler</u>	
9. <u>Sheryl Cowdery</u>	
10. <u>Dixie Craig</u>	
11. <u>Attie Wall</u>	
12. <u>M.J. Calhoun</u>	
13. <u>Julene Bright</u>	
14. <u>Kathy Smith</u>	
15. <u>Mary H. Belmont</u>	
16. <u>Dacey Smiley</u>	
17. <u>Maudie L. Cotton</u>	
18. <u>Howard & Shelia</u>	
19. <u>Kelly Day Cox</u>	
20. <u>R.W. Elvira Howell</u>	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Verrie Ellis
Tougha Williams
Clyde Johnson
SARAH RICE
JANIE Bright
Doree Brown

Shelene Hopkins

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
Howard E Goldsby	2722 Taylor St.
Andrea Stickler	1824 Revel Ave.
Tom Dunn	2805 Taylor St.
Louise Loring	2808 Taylor St.
Clyde & Beverly	2808 Taylor St
Willie Smith	2704 N. 11 Brook
Sherba Masterson	2710 Millbrook
Celeste Ayers	2702 Millbrook
Callary Thomas	2711 Millbrook
Dorothy Lous	2712 Millbrook
Barbara Pyne	121 Edmund St
Willie Wallin	5207 Cleveland Dr.
Ruth R Walker	3407 Leberey Dr.
Rev Albert G Walker	3407 Leberey St
Dorothy Briner	827 Woodlawn Blvd
Barb Patterson	7510 Ensign Ct Ft Wayne
Curtis Brown	3612 S. Monroe St.
Wilson Pethy	5630 Matrix Ln Ft Wayne
Angela Gruska	2511 S. Pennsylvania Ft Wayne
Donald Woods	3412 Pierce Ave Ft Wayne

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Shelia Meek	2716 Glenview Ave
2. Charles Ponder	2603 Carver Ct.
3. Carmelita Spencer	205 OXFORD
4. Alice Massie	2627 Riverbank Dr.
5. Shirley McMillen	2014 Cadalpa St.
6. Stella Dunbar	4726 S. Anthony Blvd.
7. Dorothy Church	3030 Alexander
8. Gay Johnson	2811 Millbrook DR
9. Vernon Brown	2617 Carver Ct.
10. Barbara Brown	530 1/2 Berry 201
11. Marcella Dunbar	1725 Bright St.
12. Core Jordan	6831 John Zoual Village 46815
13. Anna Billingsley	9115 Embassy Dr.
14. Machia Scott	3252 Diplomat Dr.
15. Mary L. Horne	2226 Lipsey St.
16. Eddie Mae Coker	8931 Bedford Ave
17. Johnnie MacKerry	3605 Red St.
18.	
19.	
20.	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Dearl McDraw</u>	<u>2611 Cancer Ct.</u>
2. <u>Doris Petty</u>	<u>7227 Riverton City</u>
3. <u>Hattie Dunbar</u>	<u>3721 Robinhood city</u>
4. <u>Delo</u>	
5. <u>Lorraine Petty</u>	<u>7227 Riverton City</u>
6. <u>Magnolia Marks</u>	<u>1418 Duck Creek City</u>
7. <u>Kelmer Beischer</u>	<u>2117 Mountain</u>
8. <u>Blanch Clancy</u>	<u>1710 Western Street</u>
9. <u>Rosena Alexander</u>	
10. <u>Mercedes C. Carter</u>	
11. <u>Delores Potts</u>	<u>3410 Hillie St.</u>
12. <u>Marcella Dunbar</u>	<u>1725 Brigid St.</u>
13. <u>Almetta Hanton</u>	<u>1114 Liberty</u>
14. <u>Theresa D. Wilho</u>	<u>7510 Ensign Ct. 46816</u>
15. <u>Clay Jackson</u>	<u>3126 Smith St.</u>
16. <u>Shirley Williams</u>	<u>1824 Elm Ave.</u>
17. <u>Dorothy Dunbar</u>	<u>4726 S. Anthony</u>
18. <u>Berita Moore</u>	<u>1209 Summit St.</u>
19. <u>Mary Petty</u>	<u>7227 Riverton Dr.</u>
20. <u>Eddie Petty</u>	<u>5130 Waters Dr.</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Mrs. L. F. Messenger 4518 Cleveland Ave 46809	
2. Mr. & Mrs. Remus Tesarik 1907 Brown St., 46802	
3. Mr. & Mrs. O. Donahue 5123 Ardmore Av.	
4. Yvette M. Smith	4136 Covington Rd. 46804
5. Ruth J. Slagle	1010 W. Packard 46807
6. Shirley Hamilton	2220 Dumbelberg Rd 46819
7. Mr & Mrs Ciel H. Haas	2202 Dale Dr. 46819
8. Mrs. Lucinda Messenger 4518 Cleveland Ave 46809	
9. Edith L. Tesarik	1907 Brown St 432-4177
10. Helen Hughes -	2127 Waukonavaria 46809
11. Erma J. Smith	2139 Taylor St
12. Ross Ginksterow	2962 Charlotte 46805
13. Laura Reaves	2510 Carlton et 46802
14. Lola Hamilton	275 E Hoover
15. Jim Hatfield	7205 BEATTY AVE
16. Margaret Kelley	8322 Hawk Spring Hill
17. DARE Kelley	8322 HAWK SPRING HILL
18. Gerald Toor	4747 Kyle Rd
19. Betty Jane Oshene	4887 W. Jefferson Blvd.
20. Kathryn Vanzant	431 Fairview La

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Burnice Toor

4747 Kyle Rd.

Bonnie Pett

2136 Brooklyn Av.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Elizabeth Kynne	2161 Eden apt 10-B
2. Shirley Foster	
3. Rosalie Key	
4. Darrell Brachum	
5. Hartney Gentry	
6. Barbara Hale	3537 Oliver St.
7. Mame Harrison	5314 Stonehedge
8. Mrs Lucille Pollard	3403 Reynolds St.
9. Mr Oliver Pollard	3403 Reynolds St
10. Richard Brown	1400 E. Washington Blvd. Box 22
11. Jackie Phillips	4530 Austin Dr.
12. Leslie Phillips	2017 S. Baird St.
13. Rose Johnson	5014 Reed St.
14. Joseph Johnson	5014 Reed St
15. Karen Mitchell	3810 1/2 Newport
16. Max Weller	1223 Summit
17. MARVIN Wesley	4406 Stratford Dr 46816
18. Dolores Wesley	4406 Stratford Dr 46816
19.	
20.	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
Velma North	915 E. Washington
PATRICK Robinson	8504 Bridgewater Dr.
Sandra Robinson	" "
Helen Sullivan	7423 Cold Springs Blvd
Sharon Shaw	4033 Warsaw St.
Elizabeth Wesley	4404 Jonathan Trace
Paugette Davis	308 Three Rivers
Mary A. Bright	3009 Ashcroft Dr.
Rebecca Glenda Gryffin	1646 Robson Rd
Willie & Carlissia Bright	3009 Ashcroft Dr.
Shanica Kan Barnes	9117 Easton Trail
Belinda & Jimi King	2702 Gay St
Doraa Lee Walke	Monroe
Donna Kury -	Wayne Trace
Lois Johnson	905 Shelley Ave
Gryffin	5220 Holton
Patricia McFurrie	Wayne Trace
Sandy Payton / Rev	Wayne Trace
Annie Jackson -	Gowen Ave
Adell Lander -	Leitch Street

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|---|---------|
| 1. Jerry Wassing | |
| 2. Douglas High | |
| 3. Don Hayes 5130 Christopher Ln | |
| 4. Stephen M Williams 1013 E. Benny Dr | |
| 5. Mark Lillien 2541 S Hanna St. | |
| 6. Dallas Fisher 1323 Grand St | |
| 7. Pam J. Weppert 3017 S. Clinton | |
| 8. Julie Ryan 5320 Plaza, Ft Wayne, In | |
| 9. Deborah Brown " " " | " " |
| 10. Marsha Falls 1134 E Lewis St Wayne, | |
| 11. Thomas Stalter 7114 Selkirk Dr | |
| 12. Doug Well 5925 Raynor Dr. | |
| 13. Ruth Kerschbaumer 6211 LaRue Lawrence Dr. | |
| 14. Lena Tacke 1829 Bear Paw Dr | |
| 15. Gerald Williams 906 OAKLAWN APTS | |
| 16. Julie Hayes 2508 Belvoir Dr. 46806 | |
| 17. Monica Tak 3935 Abbott St 46806 | |
| 18. Sarah Simpson 2915 Abbott | |
| 19. Paula Stalter 4570 Stratford Dr. 46816 | |
| 20. Brenda Leekor 3405 Smith St. | |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|-------------------|---|
| Baylor L Davis | 2164 Chen Court, FAYEN |
| Jeff Whittle | 804 Eliza |
| Jimmie WHIT | 6059 Built TRUSTEE IN |
| George Brown | 5320 PLATA DR |
| Draft Emerson | 4755 Heatherwind Dr. Wayne |
| Nikki Waters | 4016 Wayne Trace |
| Walt Priester | 3401 Smith St Fort Wayne |
| Amie Prie ster. | |
| Diane Paige | 3325 Beatrice Fort Wayne, IN |
| Mildred Phillips | 3415 Winter St. Ft Wayne, Ind 46806 |
| Alvin Bates | 4421 Leighton Lane Ft Wayne, Ind 46816 |
| Alberta Stevenson | 2902 Webster Park Fort Wayne, Ind 46806 |
| Adell Bennett | 3318 Smith St. Ft Wayne Ind 46806 |
| Mawina Nyls | 5009 yorkshire Dr. Ft Wayne 06 |
| Mary W.C. Dye | 1122 Echart St |
| ritchell Ellings | All Francis St |
| Ray C. Ted Jr. | 3009 McCormick Ave. |
| DeAngel L. Hollos | 4415 Read St. Ft Wayne, 46806 |
| Terry Watt | 1016 Wayne Tree |
| Cloretta Custom | Maple Grove |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Stephanie Dance</u>	<u>2109 Chartwell</u>
2. <u>michael wespon</u>	<u>2109 Chartwell Dr</u>
3. <u>Sharmelle Turnage</u>	<u>4133 Oliver</u>
4. <u>Sheila Flayre</u>	<u>331 Argyle DR.</u>
5. <u>William Lyons</u>	<u>5110 Salem Ln</u>
6. <u>Zane Lyons</u>	<u>5110 Salem Ln</u>
7. <u>Barbara Smith Wilson</u>	<u>4002 Atwood Dr</u>
8. <u>Hypna W. Wilson</u>	<u>3213 Smith</u>
9. <u>Quaille Hael</u>	<u>835 Ham. Hwy Ape</u>
10. <u>Beverly Okins</u>	<u>4327 Queen</u>
11. <u>Lotta Elkins</u>	<u>2219 Hilton</u>
12. <u>Clarence Warren</u>	<u>2815 Dellview Dr</u>
13. <u>Stella Davis</u>	<u>4504 Weisinger Dr</u>
14. <u>Barbara Shirel</u>	<u>3318 Abbott St.</u>
15. <u>Jeanette Wilson</u>	<u>2316 John St</u>
16. <u>Esther Chambers</u>	<u>930 Woodlawn</u>
17. <u>Ron Simon Wilson</u>	<u>6025 Regan</u>
18. <u>Debra Burwood</u>	<u>514 Buchanan</u>
19. <u>Mrs. Cathleen McGehee</u>	<u>3217 Hartman</u>
20. <u>El J. A. D. George</u>	<u>6010</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|----------------------------------|--|
| 1. <u>Barney A Brown</u> | <u>2560 Stanvale Dr.</u> |
| 2. <u>Harold G. Wells</u> | <u>309 Robinwood</u> |
| 3. <u>Billy Dines Dobbs</u> | |
| 4. <u>Amy Master</u> | <u>8140 Old Law</u> |
| 5. <u>Sheria Cerry</u> | <u>1235 Petito</u> |
| 6. <u>Glenda Ubald</u> | <u>2633 Rivercore</u> |
| 7. <u>Cora L. Causey</u> | <u>915 E. Washington Blvd</u> |
| 8. <u>Hermitha McCallie</u> | <u>417 Western Castle Rd</u> |
| 9. <u>Alvina Wilson</u> | <u>4502 Old wood Dr</u> |
| 10. <u>Oynthia Smith</u> | <u>3405 Alexander</u> |
| 11. <u>Mrs. Henry Washington</u> | <u>2532 Pauline St.</u> |
| 12. <u>Deliciae Collins</u> | <u>9103 Oxford</u> |
| 13. <u>Dellies, M. Lin Sear</u> | <u>313 E. Butler St</u> |
| 14. <u>Beth Moore</u> | <u>535 E Leith St</u> |
| 15. <u>Ruth Can</u> | <u>2606 Palisade Dr 46806</u> |
| 16. <u>Edison Can</u> | <u>2606 Palisade Dr 46806</u> |
| 17. <u>Shirley Ober</u> | <u>921 Francis St ^{apt} 46803</u> |
| 18. <u>Janice Urefo</u> | <u>3220 Oliver St 46802</u> |
| 19. <u>Frances Hilliard</u> | <u>916 Francis St</u> |
| 20. <u>Essie Vunderwood</u> | <u>1507 Summit St.</u> |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
Pastor Jessie White	3329 Heritage Dr
Eva Christensen	3214 Oliver Street
Verma Hollens	2323 Oxford St.
Rhonda A. White-Shay	P.O. Box 13277 Ft Wayne
Rev Astor Chavis	203A Carterton Dr.
Mary Allen	4511 Playa Dr.
Judy Martin	4037 Abram
Ella Holder	1015 Woodview, Blvd
Lucena Dates	1449 Bally
Mr & Mrs Joseph Webster	827 Hawthorne St
Sarah Brattin	2917 Central Ave
Monie Black	2034 Carterton Dr. Ft. Wayne
Sherri Emerson	4755 Heather Dr. Ft. Wayne
Carolyn Simley	5225 Fairfield Ave Ft Wayne
W.B. Coats	2932 Holton Ave Ft Wayne
Annie Stevral	5110 Plaza Dr. Ft. Wayne
Leffie Rungress	2621 Stinson Dr
Personal Filled	
Rhonda Hallworth	4747 Hessen Carol
Nicole Webb	4033 S. K. Dr. Ft. Wayne

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Dellie Chamber 938 Woodview Blvd</u>	
2. <u>Frank & Faye 5609 Smith St</u>	
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Shirley Moore	4410 Weston Drive
2. Joyce King	1527 Fayette Dr.
3. Cynthia L. Thompson	3924 South Parror 46806
4. Edith Rice	2216 Salman av.
5. Maude Hallings	3120 Queen St 46806
6. Gladys Blair	2002 Chantwell 46816
7. Dennis Estey	Broffur Jr 1415 Winter St. 46803
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|-------------------------------------|--------------------------------------|
| 1. <u>Jammy Hatch</u> | <u>2720 E. Paulding Apt 7</u> |
| 2. <u>Robert Taylor</u> | <u>2225 Chestnut</u> |
| 3. <u>Mindia Miller</u> | <u>2606 River Ave Ft Wayne 46807</u> |
| 4. <u>Janet James</u> | <u>2720 E. Paulding Apt 146816</u> |
| 5. <u>Julie Fashaw</u> | <u>5910 Hessen Cassel</u> |
| 6. <u>Dr. Marvin L. Early</u> | <u>3408 South Wayne Ave 46807</u> |
| 7. <u>Mr and Mrs. Elmer Webster</u> | <u>2031 Fasel Dr. 46816</u> |
| 8. <u>Grinnell Phillip</u> | <u>724 E. Russell Blvd</u> |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Carol Johnson	10106 Donald Leo
2. Linda Johnson	901 W. CREDITON AVE. FT. WAYNE, IN
3. Marjorie Goshorn	7615 Vermilion Dr. Ft. Wayne, In. 46816
4. Gladys Etchison	3534 Centaur St. Wayne, 46806
5. Kenneth E. Clark	2024 Cedar Ave 46808
6. PR Johnson	10106 Donald Leo
7. Elva Gaspar	414 W. Wildwood St, Wayne '07
8. Geraldine Roys	831 Zinstra Ave Ft Wayne 07
9. Dorelynn & Darwin Grodner	2509 - 07
10. Virginia & Marv Adams	3101 Northfield Dr (46805)
11. Connie & Charles Dumford	2415 Miner St. 46807-1151
12. Peggy A Bender	4515 W. Huntington Rd 46809
13. Martin A Bender	4515 W. Huntington Rd 46809
14. Louise Hull	5130 Rio Lane Ft. Wayne 46804
15. Angie Dull	6310 SAWMILL Woods DE 46835
16. Sylvia Mause	4086 Hessen Crest Rd. 46806
17. Ruth Leichner	4120 South Wayne 46807
18. Nancy Blum & family	1119 1/2 Maple St. 46807
19. Catherine E. & H. George Menz	7510 T. P. O' Dwyer Tr. Ft. Wayne 46815
20. Jane J. Johnson	PO Box 44 46845
21. Mike J. Conahan	PO Box 44 46845

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Donald J. Ruff	1323 Sycamore St. W.
2.	Phyllis Shatley	720 Milton St. 46806
3.	Dan McQuilkin	2821 Sand Point 46809
4.	Beverly K. Barrone	2810 Allegany Ave. 46809
5.	Liz Bradford	2309 Graham Dr. - City 46818
6.	Kenneth P. Ormersd	2125 N. ANTHONY BLVD 46805
7.	Gloria Reidt	1323 Sycamore Dr 46825
8.	Linda Shultz	3737 Hawthorne Blvd
9.	<u>Ken March</u>	6814 Hesterton Dr.
10.	Dennis Barrone	2810 Allegany Avenue 46809
11.	Terry K. Zoller	518 Vance Avenue 46816
12.	John G. Frank	5309 Hoskins Rd. 46245
13.	Melvin W. Sadrader	2106 Ideal Ave 46809
14.	Marilyn H. Howell	5209 Avonwood Park 46809
15.	Henry L. Howell	5209 Avonwood Park St. Wayne, Ind 46804
16.	<u>H. D. Lassell</u>	2816 Alz Richard Rd. Hwy 46804
17.	Unified Ormersd	6032 W. Hamilton Rd
18.	Mrs Jim Newton	4409 Bridgetown Run 46804-4805
19.	Jama L. Lindley	2309-18 Point West Dr. Ft. Wayne, IN. 46808
20.	DAWN R. WESTFIELD	8018 PEPPERWOOD CT. FT. WAYNE, IN. 46815

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

← OVER →

21. ~~Hooper's Hummer~~ 2807 28 Point West Dr. H. Wayne, W. 46808
22. ~~Blue & Swallow~~ 2834 Broad Bush Ln. P.O. Wayne, 46805
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STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Nannette Freeman</u>	<u>2309-2B Point West Dr Ft. Wayne, IN 46808</u>
2. <u>Diane Swalley</u>	<u>2824 Bear Creek Ln. Ft. Wayne, IN 46815</u>
3. <u>Harry D. Warren</u>	<u>7211 W. Indiana Rd Ft. Wayne, IN 46825</u>
4. <u>James Lee Warren</u>	<u>1211 W. Ludwig Rd " "</u>
5. <u>Mary Deaver</u>	<u>5633 D South Wayne 46807</u>
6. <u>Lucile Deew</u>	<u>1111 Michigan Ave, Ft Wayne 46802</u>
7. <u>Mark Himes</u>	<u>2801 Ridge Valley Dr, " " 46804</u>
8. <u>Andy Maucher</u>	<u>5309 Haagland Rd Haagland 46745</u>
9. <u>Elmer Maucher</u>	<u>706 Nightfall Rd City 46815</u>
10. <u>Andy Maucher</u>	<u>6814 Heatherton Dr. A Wayne 46819</u>
11. <u>Laura Lai</u>	<u>2827 West Birch St. Ft. Wayne 46805</u>
12. <u>Mark Mynts</u>	<u>2857 West Birch St. Ft. Wayne, 46805</u>
13. _____	
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Reorganized Church of the
 Latter Day Saints

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Ellis A Smith</u>	<u>3509 Springbrook Dr</u>
2. <u>WD Whisman</u>	<u>5325 Poeta DR</u>
3. <u>Jene Hanlin</u>	<u>3001 Ashcroft Dr 46806</u>
4. <u>Frances James Service</u>	<u>2111 Oxford St.</u>
5. <u>Tina Edwards</u>	<u>1718 Maplecrest #33</u>
6. <u>Madelyn L Edwards</u>	<u>5005 Sweetwater Place</u>
7. <u>Michael Blanchard</u>	<u>9223 Loria Rd.</u>
8. <u>Debra Blanchard</u>	<u>9223 Loria Rd.</u>
9. <u>Roy Don Edwards</u>	<u>5005 Sweetwater Pl 46835</u>
10. <u>Terence M Johnson</u>	<u>5611 Littlefield Rd 46835</u>
11. <u>Kathleen Wilson</u>	<u>9705 Ill. Rd Ft Wayne 46802</u>
12. <u>Barry Miller</u>	<u>5316 Woodway Dr. Ft. Wayne 46835</u>
13. <u>Medge Karp</u>	<u>2712 W. Argute 46805</u>
14. <u>Ed Jones</u>	<u>2716 Brooks Dr. 46805</u>
15. <u>Dennis D. Prey</u>	<u>1405' Barron Ct. Auburn, IN 46701</u>
16. <u>William J. Weisner</u>	<u>9705 Ill. Rd. Ft. Wayne, In.</u>
17. <u>Alycia L. Smith</u>	<u>3509 Springbrook Dr 46815</u>
18. _____	
19. _____	
20. _____	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Fort Wayne Friends

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Deanne Kuhn	2320 Springmill Rd.
2. Deane C. Phenny	6557 N Clinton St.
3. Stephanie Hageman	11631 Westwind Dr.
4. Kristie Jacobs	9833 Tiffany Drive
5. Miles L. Joseph	300 W. Berry St. apt. 101B
6. Ronald L. Kuhn	2320 Springmill Rd
7. D. Ruth Hogeman	11631 Westwind Dr
8. Conti J. Kays	1010 Oneir 8630 Deer Brook Pl.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Homer Missionary Church

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Jeff Price	3208 Rodger
2. John Wagner	2522 Barnhart
3. Mary Lee Harris	7040 Duane Dr.
4. Lynn Harris	2040 Duane
5. Lloyd & Bonnie Layh	3629 Wentworth
6. John Saville	2516 Barnhart
7. Paul Geier	3315 Brook Valley Rd.
8. Steve & Sue Rose	2017 Sunny Woods Dr.
9. Claude Marks	2002 Mauldin
10. Dave & Nancy Binkley	3332 New Haven ave.
11. Billy G. Allen	601 B Lois Lane St. Wayne
12. Melba M. Allen	6016 Lois Lane Ft. Wayne
13. Jean M. Brinkley	3321 Legare Ave., Ft. Wayne
14. May Warren	5334 Cloverbrook Dr. 46806
15. Rachel C. Warner	5334 Cloverbrook 46806
16. Jerry A. Hartke	2219 KENSINGTON BLVD 46805
17. Barbara E. Belote	4219 Patrick Ln 46808
18. Patricia L. Geronoff	4134 S Hanna 46806
19. Esther Brown	2516 Cobey Drive 46815
20. Jamie Bennett	432 Violet 46807

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

St. John's Lutheran

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Jody Vining</u>	1016 PAPE AVE. Ft. WAYNE 46808
2. <u>Eric Collier</u>	6717 3rd Ave Dr
3. <u>Lori Butcher</u>	4008 Turf Ln. Ft. Wayne 46804
4. <u>Babine Colander</u>	4712 Sky Bluffs.
5. <u>John M. Radewald</u>	708 KINSMOOR AVE., FT. WAYNE, 46807
6. <u>Dorothy L. Brooks</u>	2231 (Charlotte) Ave, Ft. Wayne, 46805
7. <u>Jack C. Flint</u>	5962 St. Joe Rd FW. IN 46835
8. <u>Rick Braun</u>	4028 Willshire Est Dr Ft Wayne 46815
9. <u>Bart Butcher</u>	1232 Baywood Dr. New Haven 46726
10. <u>Diane Gebbert</u>	5015 Willow Brook Dr. Ft. Wayne 46835
11. <u>Ralph Ritter</u>	2521 White Oak Ave Ft. Wayne, Ind 46805
12. <u>Dorothy Zemke</u>	2202 Wrennowiza Ft. Wayne 46809
13. <u>John Pawlik</u>	8502 Maple Bluff Ct, New Haven 46714
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Dorothy Tompkins	2202 Harrisonwood Dr.
2. Roll and Momma	4844 Woodfern DR
3. Pauline Cestie	2202 CLARA AV.
4. Jack Butcher	4008 Tarff Lane
5. Sherman Schumacher	1636 Woodland
6. Susan Franks	2412 Forest Park Blvd
7. LaF W Miller	2412 FOREST PARK BLVD FORT WAYNE
8. Lawrence H. Dugay	9841 Wood Fern Dr FT WAYNE
9. Arthur K. Kelly	4841 Wooff Rd Ft Wayne
10. John Rodman	708 KINGMOOR, FT. WAYNE 46807
11. Paul Shaffer	4716 Maple Terr. Ft Wayne 46835 Pky.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name

Address

1. Donald C. Hiltz 4430 Kuhl Rd 46809
2. _____
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. noble C. Hiltz	4525 Hull Rd
2. Cliff M K Nemischko	1128 Bechery
3. Harold H. Barber	3532 Ralston Dr.
4. Betty Burley	3532 Ralston St.
5. Doris Thubault	5921 Decatur Rd
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Verny Schreder</u>	<u>1736 Old Lake Dr 46808</u>
2. <u>Fred Jammel</u>	<u>309 French Rd 46804</u>
3. <u>Helen Mommen</u>	<u>4844 Woodford Dr 46835</u>
4. <u>Wade Prentiss</u>	<u>2702 MARA AV</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Sarah J. Rivers	9622 Buck St. 46804
2. Jack Damer	3524 Omega Way 46809
3. Dwight A. Jones	1123 Remberton Dr. Ft. Wayne 46808
4. Sue Rodway	708 Kenmare Blvd. 46807
5. Mildred E. May	6510 Sunland Dr., SW 46815-3944
6. Marie Davis	1010 Archer Ave.
7. Marlene L. Terry	PoBox 589 Odellian 46779
8. Kathryn Young	306 W. Rae St. Dennis Ind
9. Donald Ulrich	4318 Nilesburg Rd. Ft. Wayne 46808
10. DR. Alvin L	9318 HILLLEGAS RD FT WAYNE 46808
11. Steven J. Butcher	1232 Baywood Dr. Ft. Wayne Jr
12. Sharon Bennett	3531 E. Dupont City 46825
13. Becky Odegaard	7254 Lakewood Dr Ft Wayne
14. Ralph Sutter	46819
15. Editha Ritter	
16. Mr. & Mrs. Lawrence Bouch	1116 - Buck St Ft Wayne
17. Mr. & Mrs. James Q. Perry (Peg)	1165 Cherokee Rd 46808
18. David Vining	1016 Pope Ave 46808 Ft. Wayne
19. Joseph Mann	6822 Lakewood Ct Ft Wayne 46808
20. Denis Robens	3726 Fairdale Dr Ft Wayne 46815

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Extra names
for meeting
tonite

Jan (St Johns)

with extra names

Carole S Kierspe
1616 Ardmore

{ Michael McLaughlin

{ Carol " 10222 Lower Huntington Rd
" Roanoke)

Marta Lawler
8607 River Rd

Don F. Noland
8436 Santa Fe Rd

Bob Brown
1423 Pacific Dr.

Jamie Redenwood
4926 Southwood

Kenneth Hebel
2909 Glenwood

Brodley Hallis
2710 Broadway

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Steven D Ridderour	738 RIVERSIDE AVE
2. Mrs Waters	2933 Emerson Ave
3. Sarah Cleverenger	1835 W 4 th St Wayne
4. Don Cleverenger	1835 W 4 th St Wayne 46808
5. Donald Le Horne	3830 Bass Rd Ft Wayne 46808
6. Dale Horne	3830 Bass Rd Ft Wayne 46808
7. Jackie Mohley	3216 Greenwood Ave 46818
8. Lee J Conrad	1702 7th St 3 rd Street 46803
9. Marcella Lonsill	2819 Marguerite Ln 46808
10. Virginia Kahrer	3112 Pittsburgh St 46803
11. Kyle Kensill	4615 N 550 E Churubusco, 46723
12. Doug Lonsill	" "
13. Larry Kensill	1018 Vance Ave.
14. Mary Hatch	5304 W. Hamilton Rd., Ft. Wayne, IN 46808
15. Paul D Blatt	" "
16. Pat Gogley	1360 W Schuler Rd.
17. Mike Gradi	" " "
18. Ted Soys	1016 Oakland St. 46808
19. Alice Soys	" " "
20. Stanley Kuehrentz	6903 Cook Rd Ft Wayne 46818

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Easter Longley	140 W. Hump Rd Ft Wayne
2. Juanita Mondal	724 Oakdale
3. Cynthia Bell	821 Aurora Knoll
4. Amy J. Geranstein	8617 Somerset Pl.
5. Bobbie Stodin	201 W. First St.
6. Carol Koller	75 Arbor Dr.
7. Lori Anderson	2100 St. Marys Ave.
8. Connie M. Hartman	1424 1/2 N Harrison
9. Tony L. Hartman	1424 1/2 N Harrison
10. Lorraine Palmer	1428 1/2 Harrison St. Ft Wayne
11. Russell P. Palmer	1420 N. HARRISON, Ft Wayne
12. Kathy Campbell	3608 Algongquin Pass Ft Wayne
13. John Geel	
14. Wayne Bennett	25030 Bell Rd Monroeville
15. Tony Bennett	25030 Bell Rd Monroeville
16. Besa Shqetaj	1903 Oldaddle, Ft Wayne
17. Wayne Streets	1903 Oldaddle Ft Wayne
18. Carol Kuchment	6903 W. Cork Rd Ft Wayne 46818
19. Mark Miller	2230 24th Ave. Ft Wayne 46802
20. Sonia Rowland	6317 E. Hills Rd. Ft Wayne IN 46804

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|---|---------|
| 1. <u>Betty Kneale</u> | |
| 2. <u>Debie Brown</u> | |
| 3. <u>Robert E. Clark</u> 1233 Clark St Ft Wayne IN 46808 | |
| 4. <u>Esther Clark</u> 1233 Clark St Ft Wayne IN 46808 | |
| 5. <u>Ann Maddox</u> 7108 Antebellum Ft Wayne IN 46815 | |
| 6. <u>Randy Madley</u> 7108 Antebellum, Ft Wayne, Ind 46815 | |
| 7. <u>Barrett Lloyd</u> 3717 aidmore ave. Fort Wayne 46802-4237 | |
| 8. <u>Kathy Carter</u> 5103 Waller Rd " " 46818 | |
| 9. <u>Mark Gaylor</u> 5103 Waller Rd Fort Wayne 46818 | |
| 10. <u>Russell J Carter</u> 6024 Allenwood Dr Fort Wayne 46835 | |
| 11. <u>Doy & Violet Gaylor</u> , 3017 Getz Rd. | |
| 12. <u>Alib Graham</u> 6327 Barberry Dr Ft. Wayne 46825 | |
| 13. <u>Ginn Rowland</u> 6317 East Hills Rd Ft. Wayne 46804 | |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Scott Carnthier</u>	<u>1817 Spring Street</u>
2. <u>Sina Eggeman</u>	<u>117 Riverside Ave.</u>
3. <u>Jeanne Williamson</u>	<u>1735 Latting Pl.</u>
4. <u>Brett T. Williamson</u>	<u>1501 High St.</u>
5. <u>R. Quintad</u>	<u>11x2 Normandale Rd.</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Groce Lutheran

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Wilbur Blessing	5015 Playa Dr. 46806
2. Edith Blessing	5015 Playa Dr. 46806
3. Agnes Becher	609 Elmer Ave - 46808
4. Dolores Priest	3015 Jennifer R 46816
5. George R. Diamond	2502 Vance Ave 46805
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. James Hines	261 E. Maple Grove Ave.
2. Gene Sullivan	4014 Tacoma Ave.
3. Duane Riley	4401 Marquette Dr.
4. Andrea Dixson	218 W. Pettit Ave
5. Tom Roehrig	113 MULBERRY MONROEVILLE, IN.
6. Judy Rodriguez	" " "
7. Coppey Tidgwater	2018 Cherokee Road
8. Teresa Riley	4401 Marquette Fort Wayne
9. Linda Hines	261 E. Maple Wayne Ft. Wayne
10. Kathy Foreman	2162 Glencoe Ave. Ft. Wayne
11. Maryann Minarick	4503 Winter St. Ft. Wayne
12. Jay S. Miller	7414 Bradbury Ave Ft. Wayne
13. Cynthia Sondelet	4235 Schumert Rd New Haven, IN
14. Patrick D. Sheli	3205 CUNION CT. Ft. Wayne IN
15. Daniel Garrison	262 Glencoe Apt. Ft. Wayne IN
16. Robert S. Scott	7555 Dixie Rd Ft. Wayne IN
17. Jimmy Eperchuk	4235 SCHUMERT RD FT WAYNE IN
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Southside Church of the
Nazarene

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Eugene E. Vickroy	5102 Bayward Dr. F.W. 46806
2. Joseph Voter	1818 Eileen St. F.W. 46819
3. Robert E. Goodhue	1728 Maplewood Rd. F.W. 46819
4. Miriam Goodhue	n " "
5. Shirley Henry	2814 Prairie Grove F.W. 46809
6. Eugene Romeo	5310 Fernwood Dr. F.W. 46809
7. Shyliis Neibarth	8612 Timbermill Pl. F.W. 46804
8. Richard Shall	7004 Brookwood FW 46819
9. Bertha Riber	822 Philly Ave FW 46806
10. Virginia Byroade	4629 Wayne Grace FW 46806
11. Alvin L. Byroade	4629 W. Dyer Trce. FW 46806
12. Marcella Foreman	4125 Springwood Dr. F.W. 46815
13. Jeannie Yount	709 Michaels Dr. F.W. 46802
14. Jim Riebel	4517 W. KELING DR. 46816
15. Gary M. Anna	7301 Springview Dr. F.W. IN 46819
16. Vicki Marguerite	4701 Lafayette St. 46808
17. Gary J. Wright	4832 S. Anna FW 46806
18. Helen M. Wright	4832 S. Anna FW 46806
19. John Paine	1118 Monroe St 46807
20. Alice Cordero	809 E. First Fwy F. Wayne 46806

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Beverly J. Linn	5325 Webster St.
2. Richard C. Linn	5325 Webster St.
3. Delores Viethauer	5119 Hanna St.
4. Mary House	811 W. Schmid
5. Blanche M. Ulvain	4302 MIRADA DR.
6. Elaine Mumma	7710 Penobscot Dr.
7. Valentine Ellis	6308 Downingtown Dr.
8. Makine Zepete	1828 Eileen Dr.
9. Russell T. Mumma	7710 Pinedale Dr.
10. Mary Gugis	3217 S. Harrison
11. Lester L. Bene	3217 S. Harrison
12. Jean Sechrist	2210 Beacon St. apt 424
13. Helen Berecourt	4206 Abondale Dr.
14. Norma Vickery	5102 Maywood Rd.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

Evangelical Assembly of God

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|---|---------|
| 1. Jack Baye 1426 Asbury Dr New Haven, IN | |
| 2. Jane Knapczyk 1426 Asbury Dr. New Haven, IN | |
| 3. Edward R. Knapczyk 1426 Asbury Dr. New Haven, IN | |
| 4. Donald & Sharon Gralick 2411 N Clinton St Ft Wayne, IN | |
| 5. Delness Craig 6718 Georgetown Dr., Ft. Wayne | |
| 6. Barbara Bayse 1426 Asbury DR. NEWHAVEN - 46774 | |
| 7. Ralph Shouemire 5524 Wilford Dr. Ft Wayne Ind 46804 | |
| 8. John Bell 5229 Forest Ave Fort Wayne IN 46815 | |
| 9. Arnold Milliron Box 80196 Ft. Wayne, Ind. 46898 | |
| 10. Robert L Sturges 1402 Sunshine Ft Wayne IND 46825 | |
| 11. Jeannette L Sturges 1402 Sunshine Ft Wayne IND 46825 | |
| 12. Mike L Sturges 1402 Sunshine Ft Wayne IND 46825 | |
| 13. Jonathan L Sturges 1402 Sunshine Ft Wayne IND 46825 | |
| 14. Elizabeth L Sturges 1402 Sunshine Ft Wayne IND 46825 | |
| 15. Vickie Salter 3518 Ferndale Dr. Ft. Wayne Jr. 46815
+201 | |
| 16. Steven Salter 3518 Ferndale Dr. Ft. Wayne Jr. 46815
+201 | |
| 17. Bob & Judy Adams 17827 Bishop Rd.; Spencerville, IN 46188 | |
| 18. Todd Geuz 140 E. ESSEX LANE Ft Wayne IN 46825 | |
| 19. Faith L. Geuz 140 E. Essex Lane Ft. Wayne 25 | |
| 20. Darlene Bowling 5917 E. State Blvd Ft. Wayne, IN 46815 | |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|-----------------------------|---|
| 1. <u>Beth Brainerd</u> | 5231 Eastview Dr Ft Wayne, In. 46815 |
| 2. <u>Steve Borking</u> | 5901 E. State Blvd. Ft. Wayne, Ind. 46815 |
| 3. <u>Dave L. Rogers</u> | 8145 Main St Kendallville Ind. 46755 |
| 4. <u>Bruce Dippold</u> | 7230 Karen Ct Fort Wayne In 46835 |
| 5. <u>Marilyn Polley</u> | 6110 Rock Creek " " " 46818 |
| 6. <u>Shirley Rodriguez</u> | 6110 Rock Creek " " " 46818 |
| 7. <u>Byron Kennedy</u> | 10002 Echo Valley Fort Wayne, In 46825 |
| 8. <u>Deene Kennedy</u> | 10002 Echo Valley Dr Ft Wayne, In 46825 |
| 9. <u>Goris Glum</u> | 1407 7th St Holmes Blvd Ft Wayne 46835 |
| 10. <u>Dabney Dried</u> | 7230 Karen Ct. Ft Wayne, In. 46835 |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

First Baptist Church

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Virginia Weston	3901 Arlington - 46807
2. Art Ritzman	819 W. Grand 1 46807
3. Leon Emmert	3002 Sandarac Ln. 46815
4. Martha Emmert	3002 Sandarac Ln. 46815
5. Deloris M. Arthur	2702 Linsdale 46808
6. Vuelo Black	2536 Linsdale Ave. 46808
7. Elizabeth Cooper	5605 Old Mill Rd. 46807
8. Guy Sowards	598 Home Ave 46807
9. Mildred Hibber	2607-6 Abbey Dr. 46835
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Timjett Loggins</u>	1835 <u>Stedham Drive</u>
2. <u>Alice B. Bentler</u>	3505 So. Washington Rd.
3. <u>Alfred Q. Moore</u>	2606 Deerwood Dr.
4. <u>Charles V. Cochre</u>	4316 S. Park Dr.
5. <u>Margaret A. Cochre</u>	4316 S. Park Dr.
6. <u>Sandie E. Ballinger</u>	230 Lexington Dr.
7. <u>Johnnie L. Ballinger</u>	230 Resful Dr.
8. <u>Donald Nichols</u>	2410 N Anthony Blvd
9. <u>Jennetta R. Goetz</u>	610 W. Maplewood, Osceola 46777
10. <u>Edward J. Goetz Jr</u>	610 W. Maplewood Dr. Osceola 46777
11. <u>Daror O'Rush</u>	8120 Sunny Ln Ft Wayne 46835
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Ha chase - 10019 Garwood Ave.</u>	<u>46816</u>
2. <u>Thelma M. Yarman</u>	<u>826 Poplar St.</u>
3. <u>Lillian Daunougher</u>	<u>3939 N. Clinton Lot 29 46805</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>N. J. Oller</u>	331 W. PACKARD AVE. FT. WAYNE, IN.
2. <u>Verian Allen</u>	331 W. Packard - Ft Wayne
3. <u>Waeter K. Hertzog</u>	2717 PRISCILLA LN FT WAYNE
4. <u>Billie Parker</u>	3735 S Harrison St. Ft Wayne
5. <u>Judy Thomas</u>	3017 Kenwood Ave Ft Wayne
6. <u>Robert E. Thomas</u>	3017 Kenwood Ave Ft Wayne
7. <u>Jeffrey L. Turner</u>	3308 E. Maple Grove Cr Ft Wayne
8. <u>Priscilla Wayne</u>	" 35 S Luine St. Ft Wayne
9. <u>Charles R. Siebold</u>	5606 Webster Ft Wayne
10. <u>Genevieve Siebold</u>	5606 Webster "
11. <u>Ruth Hertzog</u>	2717 Priscilla Lane Ft. Wayne
12. <u>Mary H. Hertzog</u>	6621 Blue Mist Road Ft Wayne
13. <u>Mary Lee Davis</u>	3118 Stradale Drive Ft Wayne
14. <u>Velma Turner</u>	3308 E. Maple Grove Ft. Wayne
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Doris L. Rhoads</u>	<u>5505-3 OLD DOVER</u>
2. <u>Betty Rhoads</u>	<u>" " "</u>
3. <u>Gerald N. Cunningham</u>	<u>2704 E. PAULDING - #8</u>
4. <u>Sherly Schneider</u>	<u>2100 S. Marys #426</u>
5. <u>Emily Wiedman</u>	<u>761 Ewing Apt 106-C</u>
6. <u>Carol Chapman</u>	<u>1423 Fall Creek Rd.</u>
7. <u>Jenny Roister Beverly</u>	<u>2426 HOMECOMING AVE - 2607</u>
8. <u>James J. Cassell</u>	<u>801 TENNESSEE APT. 103 FW 46807</u>
9. <u>Vernoly S. Cassell</u>	<u>901 TENNESSEE APT 103 46805</u>
10. <u>Donna J. Smith</u>	<u>3324 Casselwood 46816</u>
11. <u>DAN EMMERT</u>	<u>1933 1/2 Taylor St. 46802</u>
12. <u>Nelma Mc Clure</u>	<u>4710 South Wayne Ave 46807</u>
13. <u>Eugene Jaques</u>	<u>9720 South Wayne Ave 46807</u>
14. <u>Susan D. Stone</u>	<u>305 W Pontiac St 46807</u>
15. <u>Josh Lee</u>	<u>133 W. Dewald 46802</u>
16. <u>Maryjane Turner</u>	<u>1303 W. Enders Rd FW - 25</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Linda DePew	1111 Michigan Ave, Ft. Wayne
2.	Dale L DePew	1111 Michigan Ave Ft Wayne 46802
3.	Beverly Hildebrandt	4110 Surf Lane Ft. Wayne In 46804
4.	Paul F. Hildebrandt	4110 Surf Lane, Ft. Wayne, IN. 46804
5.	Dell Bennett	321 So. Harrison St. Ft Wayne In 46807
6.	Eleanor Browne	815 Home Ave Ft. Wayne In. 46807
7.	Mr & Mrs Paul Dikker	1509 Gans
8.	James Loggs	1835 Woodhaven Dr. Ft Wayne, In. 46819
9.	Mr. & Mrs. M. Wallis	2624 Taylor Blvd. 46803
10.	Ned Fashill	3601 Parkhill Ft Wayne In 46805
11.	Marjorie Fashill	3601 Parkhill " " " 46805
12.	Richard Roosel	2937 Westbrook Dr. " 46805
13.	Carrie Roosel	2937 Westbrook Dr. " 46805
14.	Russell M Bragston	7770 Galleries Dr. 46816
15.	Reith Bragston	" " " "
16.	Dolores Ruskant	3828 Northgate, New Haven 46774
17.	Marjorie Fashill	3601 Parkhill Fort Wayne 46805
18.	Henry Hollister	529 Edgewood Ft Wayne 46816
19.	Bob Hollister	" " " "
20.	Willie Pears	2410 Santa Rosa Dr Ft Wayne 46805

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Harl + Shelia Donley</u>	<u>4313 ORT DR.</u>
2. <u>Karen L. Hender</u>	<u>7919 Wellingen St. Wayne</u>
3. <u>Cecilia A. Bryant</u>	<u>2121 JESSIE Ave 46808</u>
4. <u>Ronald S. Bush</u>	<u>8120 Seminary home</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name

Address

1. Robert T Gehmen 1006 Ludwig PK Drive
2. _____
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

First Mennonite Church takes no stand on this issue

First Mennonite Church

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Wendy Brundage</u>	<u>5221 TUNBRIDGE CROSSING</u>
2. <u>Maryann Warner</u>	<u>1217 N. Third St.</u>
3. <u>Lorraine Lierman</u>	<u>928 Pilgrim</u>
4. <u>Thomas Deon</u>	
5. <u>Elizabeth Hamer</u>	<u>415 Blake Dr.</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
James L Moer	3626 HASTINGS RD. 46805
Patricia A Parsley	7525 River Rd 46815
Bruce & Jani McHale	1057 Delaware 46805
Connie & Ralph Petty	9801 Cindarella 46835
Cathy Redman	1672-C Reed Rd. 46815
Doris Wheeler	908 Donnell F.W. 46808
James Petty	9801 Cindarella Lane 46835
John Petty	9801 Cindarella Lane 46835
BILL WALLACE	1516 COLUMBIA F.W. 46807
HAN MERRY	946 W. CIRC. RD NEW HAVEN 46774
Robert Nick	3636 Logan Ave Ft Wayne 46803
Debra Nick	3636 Logan Ave. Fort Wayne 46803
Donna Wells	234 Lincoln Hwy W New Haven
Auck Schaffer	6815 Adams Ct F.W. 46816
David Bogwell	3636 Logan Ave 426-7981
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Resurrection Lutheran

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Dancy L. Farhi	5617 Oak Fall Rd 46845
2.	Jayne & Walter (2229 Places To Come)	46845
3.	Brandi & Lauson Hartman	8708 Hunter Knoll
4.	John & Kathleen Johnson - 18805 Bixby Rd - -	46845
5.	Ken & Diane Post	4814 W. Calf. Rd 46818
6.	Marilyn Ostendarp	7029 W. Calf. Rd 46818
7.	Doug Clark	706 Pelham 46825
8.	Janice Clark	706 Pelham 46825
9.	Marked Goggin	1830 Old Laurent Rd 46845
10.	Patricia Goggin	" " "
11.	Robert & Loretta Rauf	94 Bridge Pointe
12.	Patsy Coleman - 636 Waller Hills Dr #4	
13.	Glorinda Charleston	120 Bunker Hill Rd 46825
14.	Robert S. Charleston	1210 Bunker Hill Rd. 46825
15.	Lila Gunn 11616 Carroll Lynn Dr.	46818
16.	Angie Gunn 11616 CARROLL LYNN DR	46818
17.	John Bickley 8121 Moss Grove	46825
18.	Minda Bickley 8121 Moss Grove Rd	46825
19.	Jenny Bickley 8121 Moss Grove Rd	46825
20.	Rebecca Miller 11607 Trade Wind Cove	46845

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Daniel Waud	10402 Oak Trail Rd. 46845
2. Jeff Jeff Kulan	5097 Exeter Dr 46815
3. Bob Pela	saw saw
4. GE Nitschke & wife	2826 Longwood Ct 46845
5. Mrs R.E. Nitschke	" " 46845
6. Mrs Susan Justice	7234 Cedar Spring Blvd 46825
7. Helen M. Fair	6332 Hillside Oaks 46818
8. Raymond C. Fair	6332 Hillside Oaks 46818
9. Emily Newburn	519 Grapewinda 46825
10. Carol Hampton	1133 Brittany Pl. 46825
11. Larry Hampton	1133 Brittany Pl. 46825
12. Loyal Zurn	1734 Co Rd 44 Auburn
13. Paul Zurn	1734 Co Rd 44 Auburn
14. Jean Deyal	2606 Brightwood Ctr 7E Wayne 46845
15. Ronald L. Dyer	2606 Brightwood Ctr Ft Wayne 46845
16. David Feltz	5149 Woodcrest Dr 46825
17. John W. Steinbuck	707 Rockingswood Ln FT Wayne 46845
18. Dennis Stiglbom	" "
19. Robert Neulaurin	5543 N Clinton
20. Gary A. Ogle	2728 Westmore Dr. Ft. Wayne 46845

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Rich & Denise Kline 834 Brookland Springs Pl	46825
2. Connie & Kevin Hubert 9319 Fritz Rd.	Ft Wayne 46818
3. Tom Bleakney 2522 Sandpoint	Ft Wayne 46809
4. Donald & Marlene Hubert 5635 Ballman Rd.	Ft Wayne 46835
5. Kilmarnac William Recedel Jr 1722 Whiteoak Rd	Ft Wayne 46825
6. Dave & Judy Berggren 10112 Nottawa Tr.	Ft Wayne 46825
7. Mark & Diane Lobwag 5604 Woodlea Ave	Ft Wayne 46835
8. Gary & Stephany Garrell	10315 Tumblewood Ft. Wayne 46825
9. John Clegg	5220 Archwood Lane 216825
10. Alice A. Clegg	" " "
11. Alice Miller	" " "
12. Debby Calvin 8927 Hickory Knoll Blvd.	Ft Wayne
13. William Calvin 8927 Hickory Knoll Blvd	Ft Wayne
14. Lorraine & DENNY SCHLEGEL 10326 Old Leo Rd #104	Ft Wayne 46825
15. Bruno J. Raduski 2605 W. DUPONT Rd	Ft Wayne 46818
16. V. RADUSKI 2605 W. DUPONT Rd	Ft Wayne 46818
17. Joe Blakney 535 Halldale Dr.	Ft. Wayne 46825
18. Mary Blakney 535 Halldale Dr	Ft Wayne 46845
19. Marlene Grimes 7421 Sunderland	46835
20. Loraine Womacke 10207 Valley Hill Lane	46825

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Steve Barnett</u>	<u>8025 Charnell Ct.</u>
2. <u>Paul Bennett</u>	<u>8025 charnell Ft Wayne 46818</u>
3. <u>Don & Luncis</u>	<u>7421 Sunderland Dr., FW 46835</u>
4. <u>Gabriel Ruff</u>	<u>1325 Cinders Ave 46805-</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY. CITY CLERK

January 13, 1995

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of January 17 & 18, 1995, in both the News Sentinel and Journal Gazette.

25

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-94-07-21 (as amended) (as amended)
(as amended) (as amended) (as amended)
General Ordinance No. G-04-95

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600-West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert,

Please give the attached full coverage on the date of August 5, 1994,
in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-94-07-21
Stormwater Service

Please send us 3 copies of the Publisher's Affidavit from both
newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-94-07-21)

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, AUGUST 16, 1994, AT 5:30 P.M., IN THE COMMON COUNCIL CONFERENCE ROOM 128, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, MORE PARTICULARLY AS DESCRIBED AS FOLLOWS:

BILL NO. G-94-07-21

AN ORDINANCE AMENDING CHAPTER 53: "STORMWATER SERVICE" OF THE CITY OF FORT WAYNE CODE OF ORDINANCES THIS ORDINANCE ESTABLISHES A PERMANENT RATE STRUCTURE FOR STORMWATER SERVICES, WHICH WOULD REPLACE THE INTERIM RATE SCHEDULE IN EFFECT SINCE 1991. ALL RESIDENTIAL PROPERTY OWNERS SHALL PAY \$1.94 PER MONTH AS THEIR SERVICE FEE BASED ON A MEAN AMOUNT OF IMPERVIOUS AREA FOR RESIDENTIAL PROPERTY AT 2,500 FT., (ONE RESIDENTIAL EQUIVALENT UNIT) ALL NON-RESIDENTIAL PROPERTY OWNERS SHALL PAY A MULTIPLE OF THE \$1.94 PER MONTH, PER ERU. - THE NEW PERMANENT RATE WOULD GO INTO EFFECT JANUARY 1, 1995.

ALL INTERESTED PERSONS ARE INVITED TO APPEAR AND BE HEARD.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
SANDRA E. KENNEDY
CITY CLERK

LEGAL NOTICE

Notice is hereby given that on the 10th day of
January, 1995, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-94-07-21 (as amended) (as amended) (as amended)
(as amended) (as amended)
General Ordinance No. G-04-95 to-wit:

1 BILL NO. G-94-07-21 (AS AMENDED) (AS AMENDED)
2 (AS AMENDED) (AS AMENDED) (AS AMENDED)
3 (AS AMENDED)
4 GENERAL ORDINANCE NO. 61-04-95

3 AN ORDINANCE AMENDING CHAPTER 53:
4 "STORMWATER SERVICE," OF THE CITY OF
FORT WAYNE CODE OF ORDINANCES.

5 WHEREAS, the Common Council of the City of Fort
6 Wayne passed Ordinances G-17-91 and Amended Ordinance G-
7 25-91 establishing an interim stormwater service charge
8 for users of the Fort Wayne Stormwater Utility in 1991;
9 and

10 WHEREAS, that schedule of interim Stormwater
11 Service Charges, which is still in effect, was based on
12 broad land-use classification of users, approximating the
13 average impervious stormwater runoff contributed by each
14 classification; and

15 WHEREAS, at the time of passage of Ordinance G-
16 17-91 and Amended Ordinance G-25-91, the Common Council
17 requested City Utilities staff to undertake a cost of
18 service and rate study in order to more accurately assess
19 stormwater service charges to individual users in a more
20 equitable manner than currently adopted in the interim
21 rate; and

22 WHEREAS, Woolpert Consultants along with David
23 M. Griffith and Associates, Inc. and Strand and
24 Associates, Inc. (Stormwater Consultants) were hired to
25 assist city Utilities in performing the necessary cost
26 of service and rate study analysis in order to implement
27 a more equitable stormwater billing system; and

28 WHEREAS, Common Council representatives, Board
29 of Public Works members, City Utilities and Civil City
30 staff, along with the Stormwater Consultants were
31 gathered to form a Stormwater Management Task Force to
32 consider all issues involved in arriving at an acceptable
stormwater management rate structure, which task force

1 WHEREAS, the work of the task force and
2 consultants was presented to the Common Council in
3 September, 1993; and

4 WHEREAS, the work of the Stormwater Consultants
5 and the Stormwater Management Task Force was completed in
6 July of 1994; and

7 WHEREAS, the work of the Stormwater Management
8 Task Force, in conjunction with that of the Stormwater
9 Consultants, culminated in a recommended stormwater rate
10 structure which is fair, equitable, revenue sufficient,
11 and which reflects the relative contribution of
12 stormwater runoff from a property, the benefits enjoyed,
13 and services received by each property as a result of the
14 collection of surface water, and which considers the
15 impervious area of the various properties within the
16 city, because the extent of storm and surface water
17 runoff from a particular parcel of property is largely a
function of its impervious area.

18 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
19 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

20 SECTION 1. Chapter 53 of the Code of
21 ordinances of the City of Fort Wayne entitled "Stormwater
22 Management Department" be amended as follows:

23 SECTION 53. STORMWATER MANAGEMENT DEPARTMENT

25 SECTION 53.01 BOARD OF STORMWATER MANAGEMENT TO OPERATE
STORMWATER SYSTEM.

26 (A) Adoption of State Law.

27 The provisions of Indiana Code Chapter 8-1.5-5 are
28 hereby adopted in their entirety, and the following
29 entities established:

30 (1) A Department of Stormwater Management within
the Division of City Utilities.

31 (2) A Board of Directors of the Department of
32 Stormwater Management which shall consist of
three (3) directors appointed by the Mayor,
not more than two (2) of whom may be of the
same political party. Directors shall serve
terms of four (4) years; however, the initial
terms shall be staggered. The Mayor may
remove a director at any time when, in the

judgment of the Mayor, it is for the best interest of the Department.

- (3) A Stormwater Management District, extending to the corporate boundaries of the City of Fort Wayne is hereby established for the purpose of providing for the collection and disposal of stormwater of the City in a manner which protects the public health and welfare, and for the purpose of assessing fees to pay for the cost of stormwater facilities and services. As the corporate boundaries of the City change, whether through annexation or otherwise, so shall the boundaries of the Stormwater District change.

(B) Powers of the Board.

The Board of Directors of the Department of Stormwater Management shall have exclusive jurisdiction over the collection and disposal of stormwater within the District, and shall possess all the powers and duties set forth in I.C. 8-1.5-3-4 and 8-1.5-5-6 including but not limited to the power to:

1. Establish and enforce Rules and Regulations governing the Department of Stormwater Management after approved in ordinance form by the Common Council.
2. Hold hearings following public notice.
3. Make findings and determinations.
4. Install, maintain and operate a stormwater collection and disposal system.
5. Make all necessary or desirable improvements of the grounds and premises under its control.
6. Recommend to the Common Council reasonable and just rates and charges for services to the customers of the District.

SECTION 53.02 PURPOSE AND OBJECTIVE.

The function of the Department of Stormwater Management is to provide for the safe and efficient capture and conveyance of stormwater runoff; mitigate the damaging effects of stormwater runoff; correct stormwater collection and conveyance problems; and fund the activities of stormwater management including design, planning, regulation, education, coordination, construction, operation, maintenance, inspection and enforcement activities, all for the protection of the public health, welfare and safety. It is the further function of the Department of Stormwater Management to insure the City of Fort Wayne's compliance with its NPDES Stormwater Discharge Permit(s).

It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with Federal, State, and local laws and regulations that a system of charges for stormwater service in the City of Fort Wayne be established which allocates the cost of providing stormwater service to each user in such a manner that the charges assessed are proportionate to the cost of providing stormwater service to that user, insofar as those costs can reasonably be determined.

SECTION 53.03 DEFINITIONS.

Whenever used in this Chapter 53, the meaning of the following words and terms shall be defined in this section:

ABATEMENT	Any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a stormwater drainage system.
AGRICULTURAL PROPERTY	A parcel or lot exceeding five (5) acres of land encompassing two (2) or more structures used to support agricultural activities.
APARTMENT/ CONDOMINIUM PROPERTY	A lot or parcel of real estate on which is situated a building containing 5 or greater single-family dwelling units, or on which 2 or more buildings each containing multiple single-family dwelling units are situated.
APPROVED PLANS	Plans approved by the Department of Stormwater Management according to a permits and plan review which will govern all improvements made within the City that require stormwater facilities or changes or alterations to existing stormwater facilities.
BOARD	Board of Directors of the Department of Stormwater Management established under Section 53.01 of the City of Fort Wayne Code of Ordinances.
CODE	Fort Wayne Code of Ordinances.
COMBINED SEWER	Pipe or conduit primarily designed to convey sanitary sewage and secondarily intended to convey stormwater.
DETENTION	The temporary storage of stormwater runoff in a basin, pond or other structure to control the peak discharge rates by holding the stormwater for a lengthened period of time and which provides some gravity settling of particulates.
DIRECTOR	The Director of the Division of City Utilities, City of Fort Wayne, Indiana.
DSM	Fort Wayne Department of Stormwater Management.
EQUIVALENT RESIDENTIAL UNIT (ERU)	A unit value, equal to the average amount of impervious area of a single family residential property within the City of Fort Wayne, and established at 2500 square feet of [measured] impervious area. It is also the basis for calculating the proper assessment of stormwater charges to all users of the Fort Wayne Stormwater System.

	IMPERVIOUS AREA	Areas that has been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop and blacktop, such that the infiltration of water into the soil is prevented. Excluded from this definition are undisturbed land, lawns and fields.
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4	INFILTRATION	Infiltration is a complex process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.
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6		
7	NON-RESIDENTIAL PROPERTY	All properties not encompassed by the definition of Residential shall be defined as Non-residential. Non-residential property will include:
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17	NPDES	National Pollutant Discharge Elimination System. Regulations for stormwater discharges as described in The Federal Register, 40 CFR Parts 122, 123 and 124.
18		
19		
20		
21	NPDES PERMIT	Permit issued to the City pursuant to Section 402 of the Clean Water Act.
22		
23	PEAK DISCHARGE	The peak discharge, sometimes called peak flow, is the maximum rate of flow of water passing a given point during or after a rainfall event.
24		
25	PRIVATE STORMWATER FACILITIES	Various stormwater and drainage works not under the control or ownership of the City, County, State and/or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.
26		
27		
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30		
31	PUBLIC STORMWATER FACILITIES	The various stormwater and drainage works under the control and/or ownership of the City, County, State or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets,
32		

		retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.
1	RESIDENTIAL PROPERTY	For the purpose of this ordinance, Residential Property refers to a lot or parcel of real estate on which a building or mobile home is situated which building contains a group of rooms forming a single inhabitable dwelling unit with facilities which are used or are intended to be used primarily for living, sleeping, cooking and eating. This definition also includes a lot containing one individual building containing four (4) or fewer separate or contiguous single-family dwelling units. Each and every residential property shall be assigned one (1) ERU.
2	RETENTION	The holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration or emergency bypass.
3	SQUARE FOOTAGE OF IMPERVIOUS AREA	For the purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard to topographic features of the enclosed surface.
4	STORM SEWER	A sewer designed or intended to convey only stormwater, surface runoff, street wash waters, and drainage, and not intended for sanitary sewage and industrial wastes other than unpolluted cooling water. The portion of a sewer intended to carry stormwater only, which begins at the grating or opening where water enters said sewer, through the sewer and any other conduits to the outlet structure where water enters a channel, natural watercourse or combined sewer.
5	STORMWATER SERVICE CHARGE	A charge imposed on users of the City's stormwater collection, impounding and transportation system.
6	STORM WATER SERVICE CUSTOMER/USER	The owner of a lot or parcel of residential or non-residential property shall be considered the City Utilities Customer for the purpose of assessing stormwater service charges.

1 **STORMWATER SYSTEM** All constructed facilities,
2 including combined sewers,
3 structures and natural watercourses
4 under the ownership, and/or control
5 of the City used for collecting and
6 conducting stormwater to, through
7 and from drainage areas to the point
8 of final outlet, including, but not
9 limited to, any and all of the
10 following: inlets, conduits and
11 appurtenant features, creeks,
12 channels, catch basins, ditches,
13 streams, culverts, retention or
14 detention basins and pumping
15 stations; and excluding therefrom,
16 any part of the system of drains and
17 watercourses under the jurisdiction
18 of the Allen County Drainage Board.

19 **SECTION 53.04 STORMWATER SERVICE CHARGE.**

20 A stormwater service charge shall be imposed on each
21 and every lot and parcel of land within the City which
22 directly or indirectly contributes to the stormwater
23 system of the City, which charge shall be assessed
24 against the owner thereof, who shall be considered the
25 user for the purposes of this Ordinance. This charge is
26 deemed reasonable and is necessary to pay for the repair,
27 replacement, planning, improvement, operation, regulation
28 and maintenance of the existing and future City
29 stormwater system.

30 **SECTION 53.05 STORMWATER RATE ESTABLISHMENT PROCEDURES.**

31 A. The Stormwater Service Rate shall be \$1.80 per ERU
32 per month. For the purpose of this Ordinance, a month
33 shall be considered 25-35 days. Any billings for
34 stormwater service outside this time shall be on a per
35 diem basis.

36 B. This stormwater rate is designed to recover the cost
37 of rendering stormwater service to the users of the
38 Stormwater System, and shall be the basis for assessment
39 of the City's stormwater service charge. This rate is
40 established so as to maintain adequate fund reserves to
41 provide for reasonably expected variations in the cost of
42 providing services, as well as variations in the demand
43 for services.

44 C. This rate shall be evaluated annually as to its
45 sufficiency to satisfy the needs of the DSM.

SECTION 53.06 RATE STRUCTURE AND CALCULATION

A. For the purposes stated in Sections 53.02 and 53.05 there is hereby assessed a stormwater service charge to each user situated within the corporate limits of the City of Fort Wayne who contributes directly or indirectly to the stormwater system of the City, in an amount as determined below.

B. For any such property, lot, parcel of land, building or premises which contributes directly or indirectly to the stormwater system of the City, such charge shall be based upon the quantity of impervious area situated thereon.

C. All properties having impervious area within the city of Fort Wayne will be assigned an Equivalent Residential Unit (ERU), or a multiple thereof, with all properties having impervious area assigned at least one (1) ERU.

(1.) Residential Properties: A monthly flat-rate charge for stormwater service rendered to residential properties shall be charged to each account within the City limits according to the service address. All residential properties are hereby assigned one (1) ERU. This flat rate shall apply to all residential properties as defined herein.

(2.) Non-residential Properties: Non-residential properties will be assigned an ERU multiple based upon the properties' individually measured impervious area (in square feet) divided by 2500 square feet (one ERU). This division will be calculated to the first decimal place.

(3.) Only whole ERUs shall be used. All rounding necessary to reach the appropriate whole ERU shall be done according to mathematical convention (0-0.4 rounded down to nearest whole ERU; 0.5-0.9 rounded up to nearest whole ERU).

D. There shall be no exceptions or exemptions from the assignment of gross stormwater ERU's.

SECTION 53.07 BILLINGS AND TERMS OF PAYMENT.

(A.) BILLINGS.

All stormwater service bills shall be rendered on a monthly basis, along with the user's charges for other City Utility services.

(B.) TERMS OF PAYMENT.

The stormwater service charges prescribed in Section 53.06 shall be due on the payment date set out on the bill. It shall be a violation of this Chapter to fail to pay a stormwater service bill when due. All bills for stormwater services not paid on or before the due date, which due date shall be approximately 15 days after the bill is rendered, shall be subject to a collection or deferred payment charge of 10% on outstanding balance.

1 (C.) PAYMENT PRIORITY.

2 Stormwater service charges shall take priority over
3 all other charges for City Utility services. Partial
4 payments shall first be applied to satisfy the garbage
5 user fee under Chapter 50 of the Code and secondly, to
6 these charges.

7 (D.) COLLECTION.

8 Delinquent stormwater service charges may be collected in
9 a civil action along with other delinquent City Utility
10 charges, reasonable attorney fees and court costs.

11 SECTION 53.08 APPEALS OF ERU DETERMINATION.

12 A. If, in the opinion of any user, the ERU multiple
13 assigned to his property is inaccurate in light of the
14 amount of impervious area of said property, the user shall
15 have the right to contest the ERU determination and thus
16 the rate assessed in the following manner.

17 B. User shall obtain and complete a Petition to Appeal
18 Stormwater Rate form (Petition) which shall be returned
19 to the DSM with verifiable documentation supporting
20 user's claim.

21 C. The DSM shall investigate user's claim and, upon
22 review thereof, shall render a written determination that
23 either the original ERU determination and assessed rate
24 should be affirmed or the user's rate should be adjusted
25 according to the Petition.

26 D. If user's Petition is denied, said opinion shall be
27 forwarded to user by certified mail, return receipt
28 requested. User shall then have seven (7) days from date
29 of receipt to request a reconsideration by the Director.
30 Any additional facts concerning the dispute shall be
31 reduced to writing and submitted, along with a copy of
32 the original Petition and supporting documents, to the
33 Director. The DSM shall submit a written report of the
34 determination in the case, along with any documents used
35 in denying the user's claim.

36 E. Thereafter, the Director, or his designee, shall
37 review all documentation and conduct, as necessary in his
38 opinion, an informal hearing to determine and resolve the
39 dispute based on the documentation submitted and any oral
40 testimony. A written opinion shall be rendered within
41 thirty (30) days after the hearing or submission of
42 documentation if no hearing is conducted. The written
43 opinion of the Director or his designee shall constitute
44 the final DSM determination, and may be challenged by the
45 user by a written request to the Board for formal
46 consideration within fifteen (15) days of the Director's
47 opinion.

1 F. The Board shall conduct a hearing and issue a
2 determination which shall be binding on the City
3 Utilities. The hearing shall be electronically recorded
4 and a transcript of the hearing provided upon request at
5 a cost per page as determined by the City Utilities
6 Accounting Department and amended from time to time.

7 G. A party or person aggrieved by the final Board
8 determination shall have the right to judicial review of
9 such determination in accordance with Indiana law.

10 H. If the DSM recommends the user's rate be reduced, or
11 reduction is ordered by the Director, Board or court of
12 law, user shall be credited accordingly for any
13 overpayment made from the date of the Petition. However,
14 for all Petitions submitted by July 31, 1995, the reduced
15 rate shall be applied retroactively to the first (1st)
16 billing of service charges under this Ordinance. Said
17 credit shall apply both to metered usage and the
18 stormwater service charge, until any overpayment has been
19 fully adjusted.

20 I. Dispute or appeal of an ERU determination or
21 stormwater service rate shall not be a valid reason for
22 non-payment of the originally assessed stormwater service
23 charge by the user.

24 J. The right to appeal a rate classification under the
25 interim stormwater rate schedule pursuant to Amended
26 Ordinances G-25-91 and G-32-93 shall expire on June 30,
27 1995.

28 **SECTION 53.09 DISCOUNT AND CREDITS POLICIES AND**
29 PROCEDURE.

30 This section establishes a discount for land and
31 buildings used for various purposes when exempt from
32 property taxation under I.C. 6-1.1-10-1, 6-1.1-10-2, 6-
1.1-10-4, 6-1.1-10-5, and 6-1.1-10-16.

33 This section also discusses some of the most common
34 credit considerations and requirements but is not
35 intended to be the exclusive authority. The Board,
36 through the Rules and Regulations of the DSM shall more
37 fully and completely establish the Credit Policies and
38 Procedures for stormwater management.

39 **A. DISCOUNTS**

40 The following categories of property exempt from
41 property taxation shall be entitled to a 15%
42 discount off of the gross ERUs assigned for any
43 such land or building under Section 53.06, where
44 the statutory exemption has been granted and can be
45 confirmed through the records of the Allen County
46 Auditor's Office, upon proper application for said
47 discount:

1. I.C. 6-1.1-10-1. Property of the United States and its agencies and instrumentalities.
2. I.C. 6-1.1-10-2. Property owned by the State of Indiana, and any agency thereof or the Indiana Bureau of Motor Vehicles Commission.
3. I.C. 6-1.1-10-4. Property owned by a Political Subdivision of the State of Indiana.
4. I.C. 6-1.1-10-5. Property owned by the City of Fort Wayne which is used to provide a municipal service.
5. I.C. 6-1.1-10-16. Property owned, occupied, and used for educational, literary, scientific, religious or charitable purposes.

10 B. CREDIT AVAILABILITY

11. Credit will be available to all properties for various forms and levels of abatement.
12. MAINTENANCE REQUIREMENTS - Credit will only be allowed for properties where structural controls are maintained in fully functional condition and according to maintenance criteria and design standards issued by the DSM.
13. EXISTING STRUCTURE CREDITS - Credit will be allowed for previously constructed abatement features or stormwater controls. The amount of credit granted will be determined by the methods of design as outlined within the Rules and Regulations of the DSM.
14. PROPERTY LOCATION - Credit will be granted on the basis of location of a given property in relation to a major waterway of the United States, if it directly discharges its stormwater to that waterway in conformance with all maintenance criteria and design standards as applicable. The waterways covered by this section shall include the St.-Mary's River, the St. Joseph River, the Maumee River, the major tributaries of these three (3) rivers and other ditches and drains specified in the Rules and Regulations of the DSM, and any legal public drains under the control by Allen County
15. VOLUNTARY CONTROLS - For new developments, credit will be granted where the City requires abatement features or stormwater controls to be constructed and/or maintained, and all City standards and criteria are met. Other voluntary controls or upgrades of existing systems through retrofitting will be granted credits on a case-by-case basis considering the impact of the controls on the City's stormwater system, as determined by the DSM.

- 1 6. DETENTION/RETENTION - Credit will be granted
2 for qualifying detention basins and wet ponds.
3 Credit may be granted for other control
4 devices on a case-by-case basis providing
5 sufficient technical justification is
6 available to make such determinations.
- 7 7. OVERSIZING - Oversized private stormwater
8 facilities or improvements exceeding standard
9 abatement design criteria and intended to
10 serve an area larger than the immediate
11 project site or designed to handle a larger
12 than specified storm event as required by the
13 DSM shall be considered for additional credit.
- 14 8. INDUSTRIAL NPDES PERMIT CREDITS - No credit
15 shall be allowed for industries in compliance
16 with federal laws and regulations regarding
17 industrial stormwater discharge permits at
18 this time.
- 19 9. POLLUTION REDUCTION - No Credit will be
20 allowed for voluntary efforts to reduce the
21 amount of pollutants in a user's stormwater
22 runoff or for improvements to the quality of a
23 user's stormwater discharge at this time.
- 24 10. REGIONAL BASINS - Credit will not be granted
25 to properties draining into ponds or basins
26 maintained or owned by the City. Credit will
27 be considered for privately owned and
28 maintained regional controls and will be
29 apportioned among owners on a prearranged
30 basis.
- 31 11. PERCENT DISCOUNTED CREDITS FOR PRIVATE
32 STORMWATER FACILITIES - Discounts and Credits
33 shall be computed on an ERU basis. A maximum
34 credit of less than 100% of the gross ERUs
35 originally assigned can be granted for the
36 construction and maintenance of private
37 stormwater facilities considering the
38 potential of each to reduce peak and/or volume
39 stormwater flow and direct discharge
40 capabilities. Private stormwater facilities
41 eligible for credits listed above constitute
42 elements of the secondary drainage system.
43 The secondary system is designed to drain a
44 limited area with benefits limited to the
45 owners of the particular property or owners of
46 adjacent properties. As such, secondary
47 elements of the system are not eligible for
48 100% credit.
- 49 Further, there are administrative costs
50 involved with operation of the DSM which must
51 be shared by all users, including costs
52 incurred to meet quality-based permit
53 requirements which provide community-wide
54 benefits, and thus cannot be credited.
55 Discounts and credits shall be cumulative;
56 however, in no case shall the total amount of
57 discounts and credits equal 100% of the user's
58 gross stormwater service fee.
- 59 The formula for determining the applicable
60 credit percentage for individual parcels shall
61 be specifically set out in the Rules and
62 Regulations of the DSM.

- 1 12. FEDERAL, STATE, CITY AND COUNTY ROADWAYS,
2 PUBLICLY-OWNED AIRPORT MOVEMENT AREAS -
3 Publicly-owned streets and roads and highways
4 shall be given 100% credit in reliance on
5 governmental guidance documents which classify
6 them as an integral part of the stormwater
7 conveyance system. Publicly-owned airport
8 movement areas including runways, taxiways,
9 ramps and other areas of an airport which are
10 used for taxiing or hover taxiing, air
11 taxiing, takeoff, and landing of aircraft when
12 constructed and maintained similarly to public
13 roadways, shall also qualify for this credit.
14 The surface water control systems incorporated
15 in the design of roadways and airport movement
16 are areas engineered to convey all design
17 runoff without street flooding, etc.
18 associated with frequent, small runoff events
19 up to about 5 or 10 year recurrence intervals,
20 and as such, constitute elements of the
21 primary drainage system. Primary elements of
22 the drainage system yield community-wide
23 benefits and are installed to service the
24 general public's interests, conveying runoff
25 from large areas encompassing whole watersheds
26 in some cases.

27 C. PROCEDURE

- 28 1. TIMING OF APPLICATIONS/DETERMINATIONS -
29 Application for credits shall be made on forms
30 provided by City Utilities and accompanied by
31 the appropriate application fee. The fee
32 shall be \$25.00 for residential users and
33 \$100.00 for all others. It is the intent of
34 the City that all applications will be
35 reviewed and credits and discounts determined
36 within thirty (30) days after submittal of a
37 complete and correct application package. The
38 credit will be effective on the 1st billing
39 cycle for that property following completion
40 of construction, or the date of the
41 application. However, for all applications
42 submitted by July 31, 1995, the credit or
43 discount will be applied retroactively to the
44 first billing of service charges under this
45 Ordinance.
- 46 2. APPEALS - Appeals of credit or discount
47 determinations shall be handled consistent
48 with the procedures set out above for
49 reconsideration of ERU Petitions. Appeals of
50 credit or discount decisions will be made
51 initially to the Director, or his designee.
52 Should satisfaction not be achieved, an appeal
53 may be lodged with the Board.
- 54 3. Application for credit or discount, or appeal
55 of determination thereon shall not constitute
56 a valid reason for non-payment of the
57 originally assessed stormwater service charge
58 by the user.

1 SECTION 53.10 STORMWATER FUND.

2 All revenues earned and fees collected for
3 stormwater service, including but not limited to,
4 drainage service charges, permit and inspection fees,
5 direct charges and interest earnings on any unused funds
6 shall be deposited in an account entitled "City of Fort
7 Wayne Stormwater Account." Disbursements from this
8 account will be authorized by the Board and, as required
9 by law, the Common Council. Such disbursements will be
10 used exclusively for the operation, maintenance and
11 improvement of the City's stormwater system. Funds from
12 this account shall not revert to any other City Utilities
13 or Civil City fund and may not be transferred for any
14 other purpose, including to avoid a default on bonds or
15 any City Utilities fund or the City.

9 SECTION 53.11 LIEN ON PREMISES.

10 Each stormwater service charge rendered under or
11 pursuant to this chapter is hereby made a lien upon the
12 corresponding lot, parcel of land, building or premises
13 which contributes directly or indirectly to the
14 stormwater system of the City, and, if the same is not
15 paid within ninety days after it shall be due and
16 payable, it shall be certified to the Auditor of Allen
17 County; who shall place the same on the tax duplicate of
18 said County with the interest and penalties allowed by
19 law to be collected as other taxes are collected.

16 SECTION 53.12 VIOLATIONS AND ENFORCEMENT.

17 A. Failure to pay a stormwater user fee when due shall
18 constitute a violation of this Chapter, which shall be
19 enforced by the Director and such deputies as the
20 Director, with the approval of the Board, may appoint for
21 such purposes.

20 B. In order to protect the integrity of the Fort Wayne
21 Stormwater Utility, it is determined to be a violation of
22 this Chapter to permit, allow or engage in the dumping or
23 disposal of materials other than stormwater into the
24 City's municipal separate stormwater system.

23 C. It shall be a violation of this Chapter to permit,
24 allow or engage in the discharge of domestic sewage or
25 industrial waste into any waterway of the United States
26 including, but not limited to, the St. Mary's River, the
27 St. Joseph River, the Maumee River, any of their
28 tributaries or streams, or any streets, storm sewers or
29 drains, ditches or drainage ways leading to any such
30 waterway of the United States.

27 D. It shall be a violation of this Chapter to store
28 polluting substances, as identified by USEPA or IDEM, in
29 a manner which violates any federal, state or local
30 statute, ordinance or regulation relating to the
31 protection of the public health, safety and welfare or
32 environment, when such storage is shown to have the
33 potential of allowing discharge to any waterway of the
34 United States including, but not limited to, the St.
35 Mary's River, the St. Joseph River, the Maumee River, any
36 of their tributaries or streams, or any streets, storm
37 sewers or drains, ditches or drainageways leading to any
38 such waterway of the United States.

- 1 E. Whenever said Director or any such deputy shall
2 deem it appropriate to charge any person with
3 violation(s) of this Chapter, he shall issue to
4 such person a Notice of Violation and/or summons,
5 which shall be processed according to the
6 provisions of I.C. 34-4-32-1.

4 SECTION 53.13 PENALTY.

- 5 A. Any non-residential user charged under Section
6 53.12(A) above and found to be in violation shall
7 be subject to a fine of up to \$2500.00 per day and
8 shall be held responsible for the amount of the
9 outstanding bill, in lieu of a collection action
10 or assessment of collection or deferred payment
11 charges set out in Section 53.07 (B) and (C) or
12 lien procedures under Section 53.11.
- 13 1B. Any user found in violation of Section 53.12(B)
14 shall be subject to a fine of up to \$2,500.00 per
15 day. In addition, said user may also be held
16 responsible for any costs incurred by the City in
17 rectifying a situation of pollution to the
18 waterways of the United States and/or for repairing
19 any damage to the public stormwater facility, and
20 or the stormwater system.
- 21 C. Each day that such violation(s) or noncompliance
22 continues shall constitute a separate offense. Any
23 fine assessed by the court shall be deemed a civil
24 judgment.

25 SECTION 53.14 SEVERABILITY.

- 26 A. The invalidity of any section, sentence, clause,
27 paragraph, part or provision of this Ordinance
28 shall not affect the validity of any other section,
29 sentence, clause, paragraph, part or provision of
30 this Ordinance which can be given meaning without
31 such invalid part or parts.
- 32 B. All Ordinances or parts of Ordinances and sections
33 of the Municipal Code of the City of Fort Wayne in
34 conflict herewith are hereby repealed.

35 SECTION 2. That this Ordinance shall be in
36 full force and effect beginning sixty (60) days after
37 passage and any and all necessary approval by the Mayor
38 and publication thereof.

39 Samuel J. Talarico

40 *Samuel J. Talarico*

41 Council Member

Read the third time in full and on motion by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six
GiaQuinta, Henry, Long, Lunsey, Ravine, Schmidt
NAYS: One
Talarico
ABSTAINED: None
ABSENT: Two
Bradbury, Edmonds

DATED: 1-10-95 Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-04-95 on the 10th day of January, 1995

ATTEST: SEAL

Sandra E. Kennedy Donald J. Schmidt
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of January, 1995, at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kenendy
City Clerk

Approved and signed by me this 13th day of January, 1995, at the hour of 2:00 o'clock A.M.,E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-04-95, passed by the Common Council on the 10th day of January, 1995, and that said Ordinance was duly signed and approved by the Mayor on the 13th day of January, 1995, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 13th day of January, 1995.

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

LEGAL NOTICE

Notice is hereby given that on the 10th day of January, 1995, the City Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the "Ordinance No. 9-25-91 Amending Ordinance No. 9-25-91 (as amended) (as amended), Ordinance No. 9-26-91 to wit:

"AN ORDINANCE AMENDING THE GENERAL ORDINANCE NO. 9-25-91, TITLED 'THE STORMWATER SERVICE' OF THE CITY OF FORT WAYNE CODE OF ORDINANCES"

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the "Amended Ordinance No. 9-25-91 establishing an interim stormwater service charge for members of the Fort Wayne Stormwater Utility in 1991."

WHEREAS, that schedule of interim Stormwater Service Charges which is still in effect, was based on the average impervious surface runoff contribution per residential property, not the average impervious surface runoff contribution per residential property.

WHEREAS, at the time of passage of Ordinance G-7-91 and Amended Ordinance G-9-25-91, the Common Council requested City Utilities staff to develop a more accurate method of assessing stormwater service charges to incorporate the actual amount of rainfall captured during the interim rate period.

WHEREAS, Woolpert Consultants along with M. Griffith and Associates, Inc. and Strand and Associates, Inc., prepared a study to determine how to assist City Utilities in performing the necessary calculations to develop a more accurate method of assessing stormwater service charges to incorporate the actual amount of rainfall captured during the interim rate period.

WHEREAS, a more accurate study was developed by Public Works members, City Utilities and Civil City staff, along with the Stormwater Consultants were presented to the Common Council on July 13, 1992, to consider all issues involved in arriving at an acceptable stormwater management rate structure, with the final report issued from basic data from July, 1992 through June, 1993, and

WHEREAS, the work of the Stormwater Management and the Stormwater Management Task Force was completed on July 13, 1993.

WHEREAS, the work of the Stormwater Management Task Force, in conjunction with that of the Stormwater Management Department, was to recommend a stormwater rate structure which is fair, equitable, revenue sufficient, and which reflects the rate structure of other local governments, the benefits enjoyed, and services received by the community from the use of stormwater (waste), and which considers the impervious area of the stormwater system in the City, because the extent of stormwater and surface water runoff per individual parcel of property is largely a function of its impervious area.

NOW, THEREFORE, IT IS ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,

SECTION 50.1 READING OF THE CODE OF ORDINANCES OF THE CITY OF FORT WAYNE ENTITLED "STORMWATER MANAGEMENT DEPARTMENT" BE amended as follows:

SECTION 53. STORMWATER MANAGEMENT DEPARTMENT

SECTION 53.01 BOARD OF STORMWATER MANAGEMENT TO OPERATE STORMWATER SYSTEM

(A) Adoption of State Law.

The provisions of Indiana Code Chapter 8-1.5-6 are hereby adopted in their entirety, and the following sections are added:

"(1) A department of Stormwater Management within the Division of City Utilities.

(2) A Board of Directors of the Department of Stormwater Management, consisting of five members appointed by the Mayor, not more than two (2) of whom may be of the same political party as the Mayor, and the remaining three (3) shall be appointed by the Common Council. However, the initial term shall be staggered. The Mayor shall appoint the first three (3) members, and the Common Council shall appoint the remaining two (2). The judgment of the Mayor, it is for the best interest of the City, shall be the sole criterion for appointment.

(3) A Stormwater Management District, extending to the corporate boundaries of the City of Fort Wayne, Indiana, for the purpose of providing for the collection and disposal of stormwater runoff, and for the protection of public health, safety and welfare, and for the purpose of assessing fees for stormwater services. As the corporate boundaries of the City change, whether through annexation or otherwise, so shall the boundaries of the Stormwater District change.

(4) Powers of the Board.

"The Board of Directors of the Department of Stormwater Management shall have the power to regulate over the collection and disposal of stormwater within the District, and shall possess all the powers and duties herein granted to the Board of Directors of 8-1.5-6, excepting but not limited to this power:

1. Establish and enforce Rules and Regulations governing the Department of Stormwater Management and the Stormwater District, as provided in ordinance form by the Common Council.

2. Hold hearings before public notice.

3. Issue permits and licenses.

4. Install, maintain and operate a stormwater collection and disposal system.

5. Assess fees to the Common Council responsible and just rates and charges for services to the corporation and the public.

SECTION 53.02 PURPOSE AND OBJECTIVE.

The function of the Department of Stormwater Management is to provide for the collection and disposal of stormwater within the District, and to mitigate the damaging effects of stormwater runoff, correct existing problems, and to protect the public health, safety and welfare, and to fund the activities of stormwater management, research, planning, design, construction, inspection and enforcement activities, all for the protection of the public health, safety and welfare, and to insure the proper operation of the Stormwater Management to insure the City of Fort Wayne, Indiana, complies with the National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit (s).

It is hereby determined necessary for the protection of the public health, safety and welfare, and in accordance with Federal, State, and local laws and regulations that a system of charges for stormwater service in the City be established to provide for the cost of providing stormwater service to the corporation and the public, and to assess fees to the corporation and the public, which fees are proportionate to the cost of providing stormwater service to the user, insofar as those costs can be determined.

SECTION 53.03 DEFINITIONS

Wherever used in this chapter, the following words and terms shall be defined as follows:

(A) AGENT: Any action taken to remedy, correct, or eliminate a condition, associated with, or resulting from, a violation of this Ordinance.

(B) AGRICULTURAL: A parcel of lot exceeding five (5) acres in size, which is used for the production of agricultural products, and which does not contain any structures or improvements within the City limits according to the address service.

(C) ANNUAL: The period of one year. A lot or parcel of real estate on which is situated a building containing 5 or greater single-family dwelling units, or a building containing 5 or greater single-family dwelling units situated on a lot or parcels of land containing 1 acre or less, single-family dwelling units are situated.

(D) APPROVAL: The action taken by the Department of Stormwater Management according to a plan and plan which will govern all improvements within the City limits, including water facilities or changes or alterations to existing structures or improvements.

(E) COMBINED SEWER: For conduit primarily designed to convey sanitary sewage and secondary stormwater runoff.

(F) CONTINUOUS DRAINAGE: The temporary storage of stormwater runoff in a drainage system.

(G) DETENTION: The temporary storage of stormwater runoff in a drainage system for the purpose of reducing the peak discharge rates by holding the stormwater for a prolonged length of time and which provides some degree of percolation.

settling the soil is prevented. Excluded from the definition are undrained soils and leached soils.

(H) INFILTRATION: The process of allowing runoff to penetrate the ground surfaces and flow through the upper soil surfaces.

(I) NON-RESIDENTIAL: All properties not incorporated in the Stormwater District shall be designated as Non-residential. Non-residential property will include:

- Agricultural property;
- Apartment and condominium property;
- Mobile Home Parks;
- Commercial property;
- Industrial property;
- Governmental property;
- Religious property;
- Churches;
- Residential property;
- Federal, State, and Local property; and
- Other property not mentioned in the list of residential properties below.

(J) NPDES: National Pollutant Discharge Elimination System. Regulations for stormwater discharges as set forth in the Federal Register, 40 CFR Parts 122, 123, and 124.

(K) NPDES PERMIT: Permits issued to the City pursuant to Section 301 of the Water Pollution Control Act.

(L) PEAK DISCHARGE: The peak discharge, sometimes called peak flow, is the maximum rate of flow of water per unit of time, a given point during or after rainfall

(M) PRIVATE STORMWATER FACILITIES: Various stormwater and drainage works not under the control or ownership of the City, County, State or federal government which may include, but not be limited to, drainage systems, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to store, transport, move or regulate stormwater.

(N) PUBLIC STORMWATER FACILITIES: Various stormwater and drainage works not under the control or ownership of the City, County, State or federal government which may include, but not be limited to, drainage systems, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to store, transport, move or regulate stormwater.

(O) PUBLIC STORMWATER RATE: The maximum rate of flow of water per unit of time, a given point during or after rainfall.

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(VV) PUBLIC STORMWATER RATE: The maximum rate of flow of water per unit of time, a given point during or after rainfall.

(WW) PUBLIC STORMWATER RATE: The maximum rate of flow of water per unit of time, a given point during or after rainfall.

(XX) PUBLIC STORMWATER RATE: The maximum rate of flow of water per unit of time, a given point during or after rainfall.

(YY) PUBLIC STORMWATER RATE: The maximum rate of flow of water per unit of time, a given point during or after rainfall.

(ZZ) PUBLIC STORMWATER RATE: The maximum rate of

PW COMMON COUNCIL
(Governmental Unit)
ALLEN County, Indiana

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM**LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES

848 lines, 1 columns wide equals 848 equivalent lines
at .495 cents per line \$ 419.76

Additional charge for notices containing rule or tabular work
(50 percent of above amount) _____

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 1.00

TOTAL AMOUNT OF CLAIM \$ 420.76

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 2
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: JAN 25, 1995 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYAMS who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) town of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 1-18-25-1995, the dates of publication being as follows:

Subscribed and sworn to before me this 25 day of JAN, 1995.

My commission expires: MARY A. KELLY
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997

LEGAL NOTICE

Notice is hereby given that on the 10th day of January, 1995, the Common Council of the City of Fort Wayne, Indiana, at its Regular Session did pass the following Ordinance:

Ordinance No. 94-07-21 (AS AMENDED) (AS AMENDED) (AS AMENDED) (AS AMENDED) (AS AMENDED) (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-9-95

STORMWATER MANAGEMENT - CHAPTER 53 - "STORMWATER SERVICE" OF THE CITY OF FORT WAYNE, INDIANA

WHEREAS, The Common Council of the City of Fort Wayne passed Ordinances G-7-91 and Amended Ordinance G-2-91 establishing an stormwater service district and setting forth the cost of providing stormwater services to the public; and

WHEREAS, that schedule of stormwater service fees charged by the city, if any, shall be based on the average impervious stormwater runoff contribution of each property;

WHEREAS, at the time of passage of Ordinance G-7-91 and Amended Ordinance G-2-91, the Common Council of the City of Fort Wayne established a schedule of service and rate study in order to more accurately assess stormwater service charges in relation to the cost of providing stormwater services to the public; and

WHEREAS, it is hereby determined necessary for the protection of the public health, safety, and welfare and to conform with Federal, State, and local laws and regulations that the City of Fort Wayne shall establish the cost of providing stormwater service to individual properties based on the rates assessed are proportionate to the cost of providing stormwater services to the public, insofar as those costs can reasonably be determined.

SECTION 53.03 DEFINITIONS.

Whenever used in this chapter 53, the meaning of the following words and terms shall be defined in this section:

ABATEMENT: Any action taken to remedy, correct, or eliminate a condition which is causing damage or impacting a stormwater drainage system.

COMMON COUNCIL: A parcel or lot containing the (5) acres of land described in Section 53.02 (2) more specifically used to support agricultural activities.

COMMON PROPERTY: A lot or

parcel of real estate on which is situated a building or structure, or two or more buildings each containing multiple dwelling units, which are owned in common by the

APPROVED PLANS: Approved by the Department of Stormwater Management according to a process established by the Director, or any improvements made within the City, that require stormwater facility changes or alterations to existing stormwater facilities.

BOARD: Board of Directors of the Department of Stormwater Management established under Section 53.03 of the City of Fort Wayne Code of Ordinances.

COMBINED SEWER: Pipe or conduit primarily designed to carry both sanitary waste and stormwater intended to convey stormwater.

CONTINUOUS DRAINAGE SYSTEM: A pipe or conduit installed in a trench or other structure to control the peak discharge rates by holding the stormwater runoff until it can be released slowly, without causing significant settling of particulates.

CITY: The City of Fort Wayne, Indiana.

CITY OF FORT WAYNE: The City of Fort Wayne, Indiana.

EQUIVALENT STORMWATER RATE: (ERS) a unitary amount of stormwater runoff from a property of a single family residential property within the City of Fort Wayne, Indiana, during a one hour period of a measured, impervious area.

It is also the basic element for the assessment of the stormwater management fee.

The ERS is determined annually and is necessary to pay for the repair, replacement, planning, issuance of permits, and enforcement of the Stormwater System.

IMPERVIOUS AREA: Area that has been paved over and/or covered with buildings and materials such as asphalt, concrete, brick, stone, cinders, asphalt, roof top, and block, such that the surface area of the earth below the surface is not able to absorb all of the rain that falls onto it.

Excluded from the definition of an impervious area is the amount of storm and surface water runoff from a piece of property that is largely a function of its imperviousness.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 53 of the Code of Ordinances of the City of Fort Wayne entitled "Stormwater Management" is amended as follows:

SECTION 53.01 STORMWATER MANAGEMENT DEPARTMENT.

SECTION 53.01 BOARD OF STORMWATER MANAGEMENT TO STATE STORMWATER SYSTEM.

(A) Adoption of State Law.

The provisions of Indiana Code Chapter 8-1-5-10 are hereby adopted by the City, and the following entities entitled thereto:

(1) A department of Stormwater Management within the Division of City Utilities.

(2) A Board of Directors of the Department of Stormwater Management.

(3) Directors appointed by the Mayor, not more than three members of whom may be of the same party. Directors shall serve for four years; however, the initial terms shall be staggered. Mayor shall have the power to remove any director at the judgment of the Mayor, it is for the best interest of the City to have a full board.

(4) A Stormwater Management District, extending to the boundaries of the City.

Waters is hereby established for the purpose of providing for the collection and disposal of stormwater runoff, for the protection of public health, safety, and welfare, and for the purpose of assessing fees for the collection and disposal of stormwater services. As the corporate boundaries of the City change, whether through annexation or otherwise, so shall the boundaries of the Stormwater District change.

(B) Powers of the Board.

The Board of Directors of the Department of Stormwater Management shall have the power to regulate over the collection and disposal of stormwater within the District, and shall possess all the powers and duties of a public body, and to do and to cause to be done all things not limited to the power to:

1. Establish and enforce Rules and Regulations governing the collection and disposal of stormwater runoff, for the protection of public health, safety, and welfare, and for the purpose of assessing fees for the collection and disposal of stormwater services.

As the corporate boundaries of the City change, whether through annexation or otherwise, so shall the boundaries of the Stormwater District change.

(C) Powers of the Board.

Hold hearings concerning public notice.

4. Initiate, maintain and operate a stormwater collection and disposal system.

5. Report to the Common Council responsible and just rates and charges for services to the customers of the Stormwater District.

SECTION 53.02 PURPOSE AND OBJECTIVE.

The function of the Department of Stormwater Management is to provide the safe and efficient collection and conveyance of stormwater runoff in a

safe and effective manner, and to minimize the adverse effects of stormwater runoff, correct

stormwater collection and conveyance problems, including design, construction, operation, maintenance, inspection and enforcement activities, all for the protection of the public health, safety, and welfare.

It is the further function of the Department of Stormwater Management to assist the City of Fort Wayne's compliance with the Indiana Department of Environmental Quality (IDOE) Stormwater Discharge Permit (4).

It is hereby determined necessary for the protection of the public health, safety, and welfare and to conform with Federal, State, and local laws and regulations that the City of Fort Wayne shall establish the cost of providing stormwater service to individual properties based on the rates assessed are proportionate to the cost of providing stormwater services to the public, insofar as those costs can reasonably be determined.

SECTION 53.03 DEFINITIONS.

Whenever used in this chapter 53, the meaning of the following words and terms shall be defined in this section:

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BOARD: Board of Directors of the Department of Stormwater Management established under Section 53.03 of the City of Fort Wayne Code of Ordinances.

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It is also the basic element for the assessment of the stormwater management fee.

The ERS is determined annually and is necessary to pay for the repair, replacement, planning, issuance of permits, and enforcement of the Stormwater System.

IMPERVIOUS AREA: Area that has been paved over and/or covered with buildings and materials such as asphalt, concrete, brick, stone, cinders, asphalt, roof top, and block, such that the surface area of the earth below the surface is not able to absorb all of the rain that falls onto it.

Excluded from the definition of an impervious area is the amount of storm and surface water runoff from a piece of property that is largely a function of its imperviousness.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 53 of the Code of Ordinances of the City of Fort Wayne entitled "Stormwater Management" is amended as follows:

SECTION 53.01 STORMWATER MANAGEMENT DEPARTMENT.

SECTION 53.01 BOARD OF STORMWATER MANAGEMENT TO STATE STORMWATER SYSTEM.

(A) Adoption of State Law.

The provisions of Indiana Code Chapter 8-1-5-10 are hereby adopted by the City, and the following entities entitled thereto:

(1) A department of Stormwater Management within the Division of City Utilities.

(2) A Board of Directors of the Department of Stormwater Management.

(3) Directors appointed by the Mayor, not more than three members of whom may be of the same party. Directors shall serve for four years; however, the initial terms shall be staggered. Mayor shall have the power to remove any director at the judgment of the Mayor, it is for the best interest of the City to have a full board.

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As the corporate boundaries of the City change, whether through annexation or otherwise, so shall the boundaries of the Stormwater District change.

(B) Powers of the Board.

Hold hearings concerning public notice.

4. Initiate, maintain and operate a stormwater collection and disposal system.

5. Report to the Common Council responsible and just rates and charges for services to the customers of the Stormwater District.

SECTION 53.02 PURPOSE AND OBJECTIVE.

The function of the Department of Stormwater Management is to provide the safe and efficient collection and conveyance of stormwater runoff in a

safe and effective manner, and to minimize the adverse effects of stormwater runoff, correct

SECTION 53.03 APPEALS OF BRU DETERMINATION.

In the opinion of any user, the BRU multiple assigned to the property is inaccurate, in light of the information available to the Director, the user shall have the right to contest the BRU determination and that the total amount assessed in the original application for a permit to Appear Stormwater Rate Form (Permit) which shall be granted by the Director.

SECTION 53.04 APPEALS OF STORMWATER RATE FORM (PERMIT).

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.05 APPEALS OF STORMWATER RATE CHARGE.

A charge imposed by the City of Fort Wayne for stormwater collection, impounding and transportation systems.

SECTION 53.06 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.07 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.08 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.09 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.10 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.11 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.12 APPEALS OF STORMWATER RATE CHARGE.

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SECTION 53.13 APPEALS OF STORMWATER RATE CHARGE.

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SECTION 53.15 APPEALS OF STORMWATER RATE CHARGE.

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SECTION 53.16 APPEALS OF STORMWATER RATE CHARGE.

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SECTION 53.18 APPEALS OF STORMWATER RATE CHARGE.

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SECTION 53.20 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.21 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.22 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.23 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.24 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.25 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.26 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.27 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.28 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.29 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.30 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.31 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.32 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.33 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.34 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.35 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.36 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.37 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.38 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.39 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.40 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.41 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.42 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.43 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.44 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.45 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.46 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.47 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.48 APPEALS OF STORMWATER RATE CHARGE.

Any user who believes the user's claim and upon review thereof, shall render a written determination that entitles the user to certified rates, relief, reduction or elimination of the user's stormwater rate, and that the user's stormwater rate is inaccurate.

SECTION 53.49 APPEALS OF STORMWATER RATE CHARGE.

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SECTION 53.50 APPEALS OF STORMWATER RATE CHARGE.

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SECTION 53.51 APPEALS OF STORMWATER RATE CHARGE.

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SECTION 53.52 APPEALS OF STORMWATER RATE CHARGE.

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SECTION 53.56

FW COMMON COUNCIL
(Governmental Unit)
ALLEN County, Indiana

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES

848 lines, 1 columns wide equals 848 equivalent lines
at .495 cents per line \$ 419.76

Additional charge for notices containing rule or tabular work
(50 percent of above amount) _____

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) _____

TOTAL AMOUNT OF CLAIM \$ 420.76

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 2
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

JULIE L ROHYANS

Date: JAN 25, 1995 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time _____, the dates of publication being as follows:
1-18-25-1999

JULIE L ROHYANS
Subscribed and sworn to before me this 25th day of JAN, 1995.

MARY L ADDISON
MARY L ADDISON, Notary Public
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 24 1997

ATTACH COPY
OF ADVERTISEMENT
HERE

FW COMMON COUNCIL
(Governmental Unit)
County, Indiana

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM**LINE COUNT**

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~ number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES

31 lines, 1 columns wide equals 31 equivalent lines
at .55 cents per line \$ 10.25

Additional charge for notices containing rule or tabular work
(50 percent of above amount) _____

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) _____

TOTAL AMOUNT OF CLAIM \$ 11.25

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 1
Size of type 6 point

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: AUG 5, 1994 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

NOTICE OF PUBLIC HEARING) ss:
FORT WAYNE COMMON COUNCIL)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, Indiana, will hold a public hearing on August 16, 1994, at 5:30 p.m., in the Common Council Conference Room (Room 128, City-Civic Center), 100 South Main Street, Fort Wayne, Indiana, more particularly as described as follows:

An ordinance amending the Fort Wayne Code of Ordinances, Chapter 155, Stormwater Services, which would replace the interim stormwater service rate structure for residential property owners shall pay \$1.94 per month as their service fee based on a monthly usage of 2,500 ft² (one residential equivalent unit) all non-residential property owners shall pay \$1.94 per month, per ERU - the new permanent rate would go into effect January 1, 1995. The affidavit attached hereto is a true copy, which was duly published in said paper for time _____, the dates of publication being as follows:

8/3/94

Julie L. Hopkins

Subscribed and sworn to before me this 5th day of AUG 1, 1994.

Mary J. Adkison
Notary Public

My commission expires: NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY, IN
MY COMMISSION EXP JUNE 14, 1997

FW COMMON COUNCIL
(Governmental Unit)To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
 -- number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES

31 lines, 1 columns wide equals 31 equivalent lines
 at .33 cents per line \$ 10.23

Additional charge for notices containing rule or tabular work
 (50 percent of above amount) _____

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 1.00

TOTAL AMOUNT OF CLAIM \$ 11.23

DATA FOR COMPUTING COST

Width of single column 12.5 ems
 Number of insertions 1
 Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

JULIE L ROHYANS

Date: AUG 5, 19 94

Title: Clerk

PUBLISHER'S AFFIDAVIT

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-100)
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne will consider a permanent rate structure for newspaper services, which would replace the interim rate schedule in effect since January 1, 1994. The permanent rate structure would cost approximately \$1.94 per month, depending upon the size of the newspaper. It would also affect their service fee based on a mean annual income per household. The new permanent rate would go into effect January 1, 1995. All non-residential property owners are invited to appear and be heard.

BILL NO. G-94-07-21.
 An ordinance amending Chapter 53, "Submeters Service" of the City of Fort Wayne Code of Ordinances.
 This ordinance establishes a permanent rate structure for newspaper services, which would replace the interim rate schedule in effect since January 1, 1994 per month, depending upon the size of the newspaper. It would affect their service fee based on a mean annual income per household. The new permanent rate would go into effect January 1, 1995.

Subscribed and sworn to before me this 5th day of AUG 1994.

8/5/94

JULIE L ROHYANS

Subscribed and sworn to before me this 5th day of AUG 1994.

8/5/94

MARY L ADDISON

Notary Public

MARY L ADDISON
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14,1997

My commission expires: MARY L ADDISON
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14,1997